

AMENDED IN ASSEMBLY JUNE 13, 2011

AMENDED IN ASSEMBLY MAY 31, 2011

AMENDED IN SENATE APRIL 7, 2011

SENATE BILL

No. 194

**Introduced by Committee on Governance and Finance (Senators
Wolk (Chair), DeSaulnier, Fuller, Hancock, Hernandez, Huff,
Kehoe, La Malfa, and Liu)**

February 8, 2011

An act to amend Sections 6159, 17562, 29001, 29006, 29008, 29085, 29089, 29100, 29106, 29130, 29144, 50057, 53601, 54954.6, 65353, 66426.5, 66428, 66452.6, and 66484.3 of, to add Section 27303.5 to, to repeal Section 61041 of, and to repeal Chapter 12.5 (commencing with Section 26170) of Part 2 of Division 2 of Title 3 of, the Government Code, to amend Section 4768 of, to amend and renumber Section 33320.51 of, and to repeal Section 33038 of, the Health and Safety Code, to amend Section 20395 of the Public Contract Code, to amend Sections 21669.5 and 99243 of the Public Utilities Code, to repeal Part 16 (commencing with Section 36000) of the Revenue and Taxation Code, and to amend Sections 2151, 22525, 36522, 36608, 36615, 36622, 36623, 36625, 36627, 36631, and 36670 of the Streets and Highways Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

SB 194, as amended, Committee on Governance and Finance. Local government: omnibus bill.

(1) Existing law authorizes a public agency to accept payment for designated obligations by credit card, debit card, or electronic funds

transfer, subject to approval by the governing body of the agency or other appropriate entity, as specified.

This bill would authorize, subject to the approval of the county board of supervisors, a county to accept a payment of a donation, gift, bequest, or devise made to or in favor of a county, or to or in favor of the board of supervisors of a county, by credit card, debit card, or electronic funds transfer.

(2) The California Constitution requires that whenever the Legislature or any state agency mandates a new program or higher level of service on any local government, the state provide a subvention of funds to reimburse that local government for the costs of the program or increased level of service, except as specified. Existing law requires the Controller to submit an annual report to various committees of the Legislature on the mandate program that contains specified information, including a comparison of the estimated annual cost of each mandate in the preceding fiscal year to the amount determined to be payable by the state for that fiscal year.

This bill would delete the requirement that the report contain a comparison of the estimated annual cost of each mandate in the preceding fiscal year to the amount determined to be payable by the state for that fiscal year.

(3) Existing law requires the recorder of each county to establish a social security number truncation program in order to create a public record version of each official record so that the public record is in an electronic format and is an exact copy of the official record except that any social security number contained in the official record shall be truncated by redacting the first 5 digits of that number. Existing law requires that when a public record version of an official record exists, and upon request of any person to inspect, for a copy of, or to otherwise publicly disclose that record, the recorder shall make available only the public record version of that record, and publicly disclose the official record only in response to a subpoena or court order. Existing law authorizes the recorder of a county to record military discharge documents, including a veteran service form DD214, subject to certain requirements.

This bill would, notwithstanding those provisions, authorize a county recorder to provide a copy of a DD214 official record when requested by a specified type of person and upon certification by that person that a full social security number is required to receive benefits and he or she is authorized to receive a copy as specified in that subdivision.

(4) Existing law, the County Budget Act, specifies the procedures a county is required to follow when adopting an annual budget.

This bill would amend the County Budget Act by defining the terms “fiscal year” and “obligated fund balance,” and would redefine the classifications for fund balances. This bill would also allow intangible assets to be reported as capital assets. This bill would also make conforming changes throughout.

(5) The Shasta County Regional Library Facilities and Services Act establishes the Shasta County Regional Library Facilities and Services Commission, and authorizes the commission to, among other things, issue bonds, levy a special tax pursuant to the Mello-Roos Community Facilities Act of 1982, levy a special tax pursuant to Section 4 of Article XIII A of the Constitution, levy a retail transactions and use tax, and levy service charges and fines, as specified.

This bill would repeal this act.

(6) Existing law provides that money in the treasury of a local agency or in the custody of a local agency officer that is unclaimed for 3 years is the property of the local agency after newspaper publication of notice if no verified complaint is filed and served. The legislative body of the local agency may transfer that unclaimed money from a special fund to the general fund. Existing law provides that with respect to unclaimed items in the amount of \$1,000 or less, the legislative body of any county may authorize by resolution the county treasurer to perform on its behalf the claiming and transfer of unclaimed money, as described.

This bill would increase the maximum amount from \$1,000 to \$5,000.

(7) Existing law authorizes the legislative body of a local agency that has a sinking fund or money in its treasury that is not required for immediate needs to invest in specified investments, including, among other things, negotiable certificates of deposit issued by a state-licensed branch of a foreign bank.

This bill would authorize these specified legislative bodies of a local agency to invest in negotiable certificates of deposit issued by a federally licensed branch of a foreign bank.

(8) Existing law requires specified community services districts that had a board of directors that consisted of 3 members to increase the number of members on the board to 5 after January 1, 2006, as specified.

This bill would repeal these provisions.

(9) Existing law requires a city or county planning commission, which is authorized by local ordinance or resolution to review and recommend action on a proposed general plan or proposed amendments

to the general plan, to hold at least one public hearing before approving a recommendation on the adoption or amendment of a general plan. Existing law requires that notice of the hearing be given in a prescribed manner.

This bill would correct erroneous statutory cross-references pertaining to the notice.

(10) The Subdivision Map Act provides that a conveyance of land to, among other entities, a governmental agency, including a fee interest, easement, or license, is not considered a division of land for purposes of computing the number of parcels, and provides that a parcel map is not required except under specified conditions.

This bill would provide that a conveyance of land to or from a governmental agency, as specified, is not considered a division of land for purposes of computing the number of parcels.

(11) The Subdivision Map Act provides that a parcel map is not required for, among other things, land conveyed to or from a governmental agency, public entity, or for land conveyed to a subsidiary of a public utility for conveyance to that public utility for rights-of-way, unless a showing is made in individual cases, upon substantial evidence, that public policy necessitates a parcel map.

This bill would specify that these conveyances of land are not considered a division of land for purposes of computing the number of parcels.

(12) The Subdivision Map Act provides that an approved or conditionally approved tentative map expires 24 months after its approval or conditional approval, or after any additional period of time as prescribed by local ordinance, not to exceed an additional 12 months, except that if the subdivider is required to expend \$178,000 or more to construct, improve, or finance the construction or improvement of public improvements outside the property boundaries of the tentative map, each filing of a final map extends the expiration of the approved or conditionally approved tentative map by 36 months from the dates of its expiration, as specified. Existing law, commencing January 1, 2005, annually increases the amount the subdivider is required to expend according to the adjustment for inflation set forth in the statewide cost index for class B construction, as specified.

This bill would require the subdivider to expend \$236,790 or more to receive the extension of the expiration of the approved or conditionally approved tentative map, and would, commencing January 1, 2012, increase that amount annually according to the adjustment for

inflation set forth in the statewide cost index for class B construction, as specified.

(13) The Subdivision Map Act authorizes the Board of Supervisors of the County of Orange and the city council or councils of any city or cities in that county to impose a fee as a condition of approval of a final map or as a condition of issuing a building permit for purposes of defraying the actual or estimated cost of constructing bridges over waterways, railways, freeways, and canyons, or constructing major thoroughfares.

This bill would correct erroneous statutory cross-references in those provisions.

(14) The County Sanitation District Act prohibits employees of a county sanitation district from engaging in inconsistent or conflicting activities, as specified.

This bill would correct an incorrect cross-reference in these provisions.

(15) The Community Redevelopment Law authorizes the establishment of redevelopment agencies in communities in order to address the effects of blight, as defined, in those communities. Existing law finds and declares that blighted areas include housing areas constructed as temporary government-owned wartime housing projects that meet the definition of blight.

This bill would repeal the provision relating to housing areas constructed as temporary government-owned wartime housing projects.

(16) The Community Redevelopment Law contains provisions authorizing the establishment of a redevelopment project area located within the boundaries of a military base that has been closed pursuant to the actions of the federal Defense Base Closure and Realignment Commission.

This bill would renumber a provision relating to the base closures and conversions contained in the Community Redevelopment Law and correct an outdated statutory cross-reference.

(17) Existing law requires the owner or operator of an airport to pay all applicable recording fees for the filing of a notice of termination of an aviation easement, as specified.

This bill would make a clarifying change to this provision.

(18) Existing law sets forth the procedures under which changes or additions may be made in the work being performed under local construction contracts, county highway contracts, local contracts for works of improvement, and drainage district construction contracts. Under these provisions, for contracts whose original cost is \$250,000

or less, changes to the contract may be made in specified amounts. Under these provisions, for contracts whose original cost exceeds \$250,000, the extra cost for any change or addition to the work so ordered may not exceed \$25,000 plus 5% of the amount of the original contract cost in excess of \$250,000, and in no event may any such change or alteration exceed \$150,000.

This bill would specify that, for contracts of \$250,000 or less, an additional cost may be approved for a change or addition to the work for a contract, as specified. The bill would, for contracts that have a cost that exceeds \$250,000, increase the maximum permitted amount for a change or alteration of the contract cost from \$150,000 to \$210,000.

(19) Existing law authorizes the City of South Lake Tahoe or the City of Huntington Beach to select, for purposes of making certain annual reports to the Controller on financial transactions and on street and road spending, on a one-time basis, a fiscal year that does not end on June 30.

This bill would, for purposes of these reports, also authorize the City of El Segundo, the City of Inglewood, or the City of Long Beach to select a fiscal year that does not end on June 30.

This bill would make legislative findings and declarations as to the necessity of a special statute for these cities.

(20) Existing law authorizes the board of supervisors of a county with a population of 1,000,000 or more persons, to impose specified special taxes, including parking taxes, vehicle license fees, and property taxes.

This bill would repeal these provisions.

(21) The Landscaping and Lighting Act of 1972 authorizes specified local agencies to finance specified improvements. Improvements include, among other things, for purposes of the act, the acquisition or construction of any community center, municipal auditorium or hall, or similar public facility for the indoor presentation of performances, shows, stage productions, fairs, conventions, exhibitions, pageants, meetings, parties, or other group events, activities, or functions, whether those events, activities, or functions are public or private.

This bill would also include within the definition of improvements the maintenance and servicing, or both of any community center, municipal auditorium or hall, or similar public facility for the indoor presentation of performances, shows, stage productions, fairs, conventions, exhibitions, pageants, meetings, parties, or other group

events, activities, or functions, whether those events, activities, or functions are public or private.

(22) Existing law, the Parking and Business Improvement Area Law of 1989, authorizes local governmental entities to levy assessments on businesses located and operating in a parking and business improvement area. Existing law requires specified proceedings to establish or modify a parking and business improvement area, including the adoption of a resolution, with prescribed elements, by the governing body and a public hearing.

This bill would make technical, nonsubstantive changes to the provisions that establish the elements to be included in the resolution of the governing body.

(23) Existing law requires the legislative body of a local agency, prior to adopting any new or increased general tax or any new or increased assessment, to conduct at least one public meeting in addition to the noticed public hearing at which the legislative body proposed to enact or increase the general tax or assessment. Existing law requires the legislative body to provide at least 45 days' joint public notice of both the public meeting and the public hearing, and requires the joint notice, with respect to a new or increased assessment on real property, to be accomplished through a mailing, as specified. Existing law also requires the legislative body to include in the notice the estimated amount of the assessment per parcel of land.

This bill would require the legislative body to provide the joint notice of the public meeting and public hearing for proposed new or increased assessment on real property or businesses through a mailing, as specified. The bill would also require the notice to include, in the case of an assessment proposed to be levied on businesses, the proposed method and basis of levying the assessment in sufficient detail to allow each business owner to calculate the amount of the assessment to be levied against each business.

(24) The Property and Business Improvement District Law of 1994 defines city, for purposes of that act, to mean a city, county, city and county, and a joint powers agency, the public member agencies of which include only cities, counties, or a city and county.

This bill would include the state within the member agencies of the joint powers agency for purposes of the definition of city.

(25) The Property and Business Improvement District Law of 1994 defines property owner, for purposes of that act, to mean any person

shown as the owner of land on the last equalized assessment roll or otherwise known to be the owner of land by the city council.

This bill would also define business owner, for purposes of the act, to mean any person recognized by the city as the owner of a business, and owner, for purposes of the act, to mean either a business owner or a property owner. The bill would also provide, wherever a signature of a business owner is required pursuant to the act, the signature of the authorized agent of the business owner is sufficient. The bill would also make conforming changes and other technical, nonsubstantive changes within the act.

(26) The Property and Business Improvement District Law of 1994 requires, prior to the establishment of a property and business improvement district pursuant to the act, the proponents of the district to submit to the city council a management district plan. The management district plan is required to include, among other things, a map of the district in sufficient detail to locate each parcel of property and, if businesses are to be assessed, each business within the district.

The bill would also require the management district plan to include, if an assessment will be levied on businesses, a map that identifies the district boundaries in sufficient detail to allow a business owner to reasonably determine whether a business is located within the district boundaries, and if the assessment will be levied on property and businesses, a map of the district in sufficient detail to locate each parcel of property and to allow a business owner to reasonably determine whether a business is located within the district boundaries.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) This act shall be known and may be cited as
- 2 the Local Government Omnibus Act of 2011.
- 3 (b) The Legislature finds and declares that Californians want
- 4 their governments to run efficiently and economically and that
- 5 public officials should avoid waste and duplication whenever
- 6 possible. The Legislature further finds and declares that it desires
- 7 to control its own costs by reducing the number of separate bills.
- 8 Therefore, it is the intent of the Legislature in enacting this act to
- 9 combine into a single measure several minor, noncontroversial

1 statutory changes relating to the common theme, purpose, and
2 subject of local government.

3 SEC. 1.1. Section 6159 of the Government Code is amended
4 to read:

5 6159. (a) The following definitions apply for purposes of this
6 section:

7 (1) “Credit card” means any card, plate, coupon book, or other
8 credit device existing for the purpose of being used from time to
9 time upon presentation to obtain money, property, labor, or services
10 on credit.

11 (2) “Card issuer” means any person, or his or her agent, who
12 issues a credit card and purchases credit card drafts.

13 (3) “Cardholder” means any person to whom a credit card is
14 issued or any person who has agreed with the card issuer to pay
15 obligations arising from the issuance of a credit card to another
16 person.

17 (4) “Debit card” means a card or other means of access to a
18 debit *card* cardholder’s account that may be used to initiate
19 electronic funds transfers from that account.

20 (5) “Draft purchaser” means any person who purchases credit
21 card drafts.

22 (6) “Electronic funds transfer” means any method by which a
23 person permits electronic access to, and transfer of, money held
24 in an account by that person.

25 (b) Subject to subdivisions (c) and (d), a court, city, county, city
26 and county, or other public agency may authorize the acceptance
27 of a credit card, debit card, or electronic funds transfer for any of
28 the following:

29 (1) The payment for the deposit of bail for any offense not
30 declared to be a felony or for any court-ordered fee, fine, forfeiture,
31 penalty, assessment, or restitution. Use of a card or electronic funds
32 transfer pursuant to this paragraph may include a requirement that
33 the defendant be charged any administrative fee charged by the
34 company issuing the card or processing the account for the cost
35 of the transaction.

36 (2) The payment of a filing fee or other court fee.

37 (3) The payment of any towage or storage costs for a vehicle
38 that has been removed from a highway, or from public or private
39 property, as a result of parking violations.

1 (4) The payment of child, family, or spousal support, including
2 reimbursement of public assistance, related fees, costs, or penalties,
3 with the authorization of the cardholder or accountholder.

4 (5) The payment for services rendered by any city, county, city
5 and county, or other public agency.

6 (6) The payment of any fee, charge, or tax due a city, county,
7 city and county, or other public agency.

8 (7) The payment of any moneys payable to the sheriff pursuant
9 to a levy under a writ of attachment or writ of execution. If the use
10 of a card or electronic funds transfer pursuant to this paragraph
11 includes any administrative fee charged by the company issuing
12 the card or processing the account for the cost of the transaction,
13 that fee shall be paid by the person who pays the money to the
14 sheriff pursuant to the levy.

15 (8) The payment of a donation, gift, bequest, or devise made to
16 or in favor of a county, or to or in favor of the board of supervisors
17 of a county, pursuant to Section 25355.

18 (c) A court desiring to authorize the use of a credit card, debit
19 card, or electronic funds transfer pursuant to subdivision (b) shall
20 obtain the approval of the Judicial Council. A city desiring to
21 authorize the use of a credit card, debit card, or electronic funds
22 transfer pursuant to subdivision (b) shall obtain the approval of its
23 city council. Any other public agency desiring to authorize the use
24 of a credit card, debit card, or electronic funds transfer pursuant
25 to subdivision (b) shall obtain the approval of the governing body
26 that has fiscal responsibility for that agency.

27 (d) After approval is obtained, a contract may be executed with
28 one or more credit card issuers, debit card issuers, electronic funds
29 transfer processors, or draft purchasers. The contract shall provide
30 for the following matters:

31 (1) The respective rights and duties of the court, city, county,
32 city and county, or other public agency and card issuer, funds
33 processor, or draft purchaser regarding the presentment,
34 acceptability, and payment of credit and debit card drafts and
35 electronic funds transfer requests.

36 (2) The establishment of a reasonable means by which to
37 facilitate payment settlements.

38 (3) The payment to the card issuer, funds processor, or draft
39 purchaser of a reasonable fee or discount.

1 (4) Any other matters appropriately included in contracts with
2 respect to the purchase of credit and debit card drafts and
3 processing of electronic funds transfer requests as may be agreed
4 upon by the parties to the contract.

5 (e) The honoring of a credit card, debit card, or electronic funds
6 transfer pursuant to subdivision (b) hereof constitutes payment of
7 the amount owing to the court, city, county, city and county, or
8 other public agency as of the date the credit or debit card is honored
9 or the electronic funds transfer is processed, provided the credit
10 or debit card draft is paid following its due presentment to a card
11 issuer or draft purchaser or the electronic funds transfer is
12 completed with transfer to the agency requesting the transfer.

13 (f) If any credit or debit card draft is not paid following due
14 presentment to a card issuer or draft purchaser or is charged back
15 to the court, city, county, city and county, or other public agency
16 for any reason, any record of payment made by the court, city, or
17 other public agency honoring the credit or debit card shall be void.
18 If any electronic funds transfer request is not completed with
19 transfer to the agency requesting the transfer or is charged back
20 to the agency for any reason, any record of payment made by the
21 agency processing the electronic funds transfer shall be void. Any
22 receipt issued in acknowledgment of payment shall also be void.
23 The obligation of the cardholder or accountholder shall continue
24 as an outstanding obligation as if no payment had been attempted.

25 (g) Notwithstanding Title 1.3 (commencing with Section 1747)
26 of Part 4 of Division 3 of the Civil Code, a court, city, county, city
27 and county, or any other public agency may impose a fee for the
28 use of a credit or debit card or electronic funds transfer, not to
29 exceed the costs incurred by the agency in providing for payment
30 by credit or debit card or electronic funds transfer. These costs
31 may include, but shall not be limited to, the payment of fees or
32 discounts as specified in paragraph (3) of subdivision (d). Any fee
33 imposed by a court pursuant to this subdivision shall be approved
34 by the Judicial Council. Any fee imposed by any other public
35 agency pursuant to this subdivision for the use of a credit or debit
36 card or electronic funds transfer shall be approved by the governing
37 body responsible for the fiscal decisions of the public agency.

38 (h) Fees or discounts provided for under paragraph (3) of
39 subdivision (d) shall be deducted or accounted for prior to any
40 statutory or other distribution of funds received from the card

1 issuer, funds processor, or draft purchaser to the extent not
2 recovered from the cardholder or accountholder pursuant to
3 subdivision (g).

4 (i) The Judicial Council may enter into a master agreement with
5 one or more credit or debit card issuers, funds processors, or draft
6 purchasers for the acceptance and payment of credit or debit card
7 drafts and electronic funds transfer requests received by the courts.
8 Any court may join in any of these master agreements or may enter
9 into a separate agreement with a credit or debit card issuer, funds
10 processor, or draft purchaser.

11 SEC. 1.2. Section 17562 of the Government Code is amended
12 to read:

13 17562. (a) The Legislature hereby finds and declares that the
14 increasing revenue constraints on state and local government and
15 the increasing costs of financing state-mandated local programs
16 make evaluation of state-mandated local programs imperative.
17 Accordingly, it is the intent of the Legislature to increase
18 information regarding state mandates and establish a method for
19 regularly reviewing the costs and benefits of state-mandated local
20 programs.

21 (b) (1) The Controller shall submit a report to the Joint
22 Legislative Budget Committee and fiscal committees by October
23 31 of each fiscal year beginning with the 2007–08 fiscal year. This
24 report shall summarize, by state mandate, the total amount of
25 claims paid per fiscal year and the amount, if any, of mandate
26 deficiencies or surpluses. This report shall be made available in
27 an electronic spreadsheet format.

28 (2) The Controller shall submit a report to the Joint Legislative
29 Budget Committee, the applicable fiscal committees, and the
30 Director of Finance by April 30 of each fiscal year. This report
31 shall summarize, by state mandate, the total amount of unpaid
32 claims by fiscal year that were submitted before April 1 of that
33 fiscal year. The report shall also summarize any mandate
34 deficiencies or surpluses. It shall be made available in an electronic
35 spreadsheet, and shall be used for the purpose of determining the
36 state's payment obligation under paragraph (1) of subdivision (b)
37 of Section 6 of Article XIII B of the California Constitution.

38 (c) After the commission submits its second semiannual report
39 to the Legislature pursuant to Section 17600, the Legislative
40 Analyst shall submit a report to the Joint Legislative Budget

1 Committee and legislative fiscal committees on the mandates
2 included in the commission's reports. The report shall make
3 recommendations as to whether the mandate should be repealed,
4 funded, suspended, or modified.

5 (d) In its annual analysis of the Budget Bill and based on
6 information provided pursuant to subdivision (b), the Legislative
7 Analyst shall report total annual state costs for mandated programs
8 and, as appropriate, provide an analysis of specific mandates and
9 make recommendations on whether the mandate should be
10 repealed, funded, suspended, or modified.

11 (e) (1) A statewide association of local agencies or school
12 districts or a Member of the Legislature may submit a proposal to
13 the Legislature recommending the elimination or modification of
14 a state-mandated local program. To make such a proposal, the
15 association or member shall submit a letter to the Chairs of the
16 Assembly Committee on Education or the Assembly Committee
17 on Local Government, as the case may be, and the Senate
18 Committee on Education or the Senate Committee on Local
19 Government, as the case may be, specifying the mandate and the
20 concerns and recommendations regarding the mandate. The
21 association or member shall include in the proposal all information
22 relevant to the conclusions. If the chairs of the committees desire
23 additional analysis of the submitted proposal, the chairs may refer
24 the proposal to the Legislative Analyst for review and comment.
25 The chairs of the committees may refer up to a total of 10 of these
26 proposals to the Legislative Analyst for review in any year.
27 Referrals shall be submitted to the Legislative Analyst by
28 December 1 of each year.

29 (2) The Legislative Analyst shall review and report to the
30 Legislature with regard to each proposal that is referred to the
31 office pursuant to paragraph (1). The Legislative Analyst shall
32 recommend that the Legislature adopt, reject, or modify the
33 proposal. The report and recommendations shall be submitted
34 annually to the Legislature by March 1 of the year subsequent to
35 the year in which referrals are submitted to the Legislative Analyst.

36 (3) The Department of Finance shall review all statutes enacted
37 each year that contain provisions making inoperative Section 17561
38 or Section 17565 that have resulted in costs or revenue losses
39 mandated by the state that were not identified when the statute
40 was enacted. The review shall identify the costs or revenue losses

involved in complying with the statutes. The Department of Finance shall also review all statutes enacted each year that may result in cost savings authorized by the state. The Department of Finance shall submit an annual report of the review required by this subdivision, together with the recommendations as it may deem appropriate, by December 1 of each year.

(f) It is the intent of the Legislature that the Assembly Committee on Local Government and the Senate Committee on Local Government hold a joint hearing each year regarding the following:

(1) The reports and recommendations submitted pursuant to subdivision (e).

(2) The reports submitted pursuant to Sections 17570, 17600, and 17601.

(3) Legislation to continue, eliminate, or modify any provision of law reviewed pursuant to this subdivision. The legislation may be by subject area or by year or years of enactment.

SEC. 1.3. Chapter 12.5 (commencing with Section 26170) of Part 2 of Division 2 of Title 3 of the Government Code is repealed.

SEC. 1.4. Section 27303.5 is added to the Government Code, to read:

27303.5. Notwithstanding Section 27303, a county recorder may provide a copy of a DD214 official record when requested by a person listed in subdivision (b) of Section 6107 and upon certification by that person that a full social security number is required to receive benefits and he or she is authorized to receive a copy as specified in that subdivision.

SEC. 1.5. Section 29001 of the Government Code is amended to read:

29001. Except as otherwise defined in this section, the meaning of terms used in this chapter shall be as defined in the Accounting Standards and Procedures for Counties prescribed by the Controller pursuant to Section 30200.

As used in this chapter:

(a) “Administrative—~~officer,~~” *officer*” means the chief administrative officer, county administrator, county executive, county manager, or other officials employed in the several counties under various titles whose duties and responsibilities are comparable to the officials named herein.

1 (b) “Adopted budget” means the budget document formally
2 approved by the board of supervisors after the required public
3 hearings and deliberations on the recommended budget.

4 (c) “Auditor” means the county auditor or that officer whose
5 responsibilities include those designated in Chapter 4 (commencing
6 with Section 26900) of Division 2.

7 (d) “Board” means the board of supervisors of the county, or
8 the same body acting as the governing board of a special district
9 whose affairs and finances are under its supervision and control.

10 (e) “Budget year” means the fiscal year (July 1 through June
11 30) for which the budget is being prepared.

12 (f) “Controller” means the State Controller.

13 (g) “Final budget” means the adopted budget adjusted by all
14 revisions throughout the fiscal year as of June 30.

15 (h) “Fiscal year” means the current 12-month period to which
16 the annual operating budget applies and at the end of which a
17 government determines its financial position and the results of its
18 operations.

19 (i) “Obligated fund balance” means the nonspendable, restricted,
20 committed, and assigned fund balances.

21 (j) “Recommended budget” means the budget document
22 recommended to the board of supervisors by the designated county
23 official.

24 SEC. 1.6. Section 29006 of the Government Code is amended
25 to read:

26 29006. For the adopted budget, the various forms, as prescribed
27 by the Controller pursuant to Section 29005, shall provide for the
28 presentation of data and information to include, at a minimum,
29 estimated or actual amounts of the following items by fund:

30 (a) Fund balances.

31 (1) Nonspendable.

32 (2) Restricted.

33 (3) Committed.

34 (4) Assigned.

35 (5) Unassigned.

36 (b) Additional financing sources shall be classified by source
37 in accordance with the accounting procedures for counties as
38 prescribed by the Controller pursuant to Section 30200.

39 For comparative purposes the amounts of financing sources shall
40 be shown as follows:

1 (1) On an actual basis for the fiscal year two years prior to the
2 budget year.

3 (2) On an actual basis, except for those sources that can only
4 be estimated, for the fiscal year prior to the budget year.

5 (3) On an estimated basis for the budget year, as submitted by
6 those officials or persons responsible, or as recommended by the
7 administrative officer or auditor, as appropriate.

8 (4) On an estimated basis for the budget year, as approved, or
9 as adopted, by the board.

10 (c) Financing uses for each budget unit, classified by the fund
11 or funds from which financed, by the objects of expenditure, other
12 financing uses, intrafund transfers, and transfers-out in accordance
13 with the accounting procedures for counties and by such further
14 classifications or requirements pertaining to county budget matters
15 as prescribed by the Controller pursuant to Section 30200.

16 For comparative purposes the amounts of financing uses shall
17 be shown as follows:

18 (1) On an actual basis for the fiscal year two years prior to the
19 budget year.

20 (2) On an actual basis, except for those uses that can only be
21 estimated, for the fiscal year prior to the budget year.

22 (3) On an estimated basis for the budget year, as submitted by
23 those officials or persons responsible, or as recommended by the
24 administrative officer or auditor, as appropriate.

25 (4) On an estimated basis for the budget year, as approved, or
26 as adopted, by the board.

27 (d) Appropriations for contingencies.

28 (e) Provisions for nonspendable, restricted, committed, and
29 assigned fund balances.

30 (f) The appropriations limit and the total annual appropriations
31 subject to limitation as determined pursuant to Division 9
32 (commencing with Section 7900) of Title 1.

33 SEC. 1.7. Section 29008 of the Government Code is amended
34 to read:

35 29008. At a minimum, within the object of capital assets, the
36 budget amounts for the following shall be reported, as specified:

37 (a) Land shall be reported in total amounts, except when
38 included as a component of a project.

1 (b) Structures and improvements shall be reported separately
2 for each project, except that minor improvement projects may be
3 reported in totals.

4 (c) Equipment shall be reported in total amounts by budget unit.

5 (d) Infrastructure shall be reported in total amounts by budget
6 unit.

7 (e) Intangible assets may be reported in total amounts by budget
8 unit.

9 SEC. 1.8. Section 29085 of the Government Code is amended
10 to read:

11 29085. The budget for each fund may contain nonspendable,
12 restricted, committed, or assigned fund balance classifications in
13 such amounts as the board deems sufficient. General reserves and
14 stabilization arrangements may also be included as part of the
15 restricted, committed, assigned, and unassigned fund balance.

16 SEC. 1.9. Section 29089 of the Government Code is amended
17 to read:

18 29089. The resolution of adoption of the budget of the county,
19 each dependent special district, and each other agency as defined
20 in Section 29002, shall specify the following:

21 (a) Appropriations by objects of expenditure within each budget
22 unit, except for capital assets that are appropriated at the subobject
23 level pursuant to Section 29008.

24 (b) Other financing uses by budget unit.

25 (c) Intrafund transfers by budget unit.

26 (d) Transfers-out by fund.

27 (e) Appropriations for contingencies, by fund.

28 (f) Provisions for nonspendable, restricted, committed, and
29 assigned fund balances, by fund and purpose.

30 (g) The means of financing the budget requirements.

31 SEC. 1.10. Section 29100 of the Government Code is amended
32 to read:

33 29100. (a) On or before October 3 of each year, the board shall
34 adopt by resolution the rates of taxes on the secured roll, not to
35 exceed the 1-percent limitation specified in Article XIII A of the
36 Constitution and Sections 93 and 100 of the Revenue and Taxation
37 Code. For voter-approved indebtedness, the board shall adopt the
38 rates on the secured roll by determining the percentage of full value
39 of property on the secured roll legally subject to support the annual
40 debt requirement. Each rate shall be such as will produce the

1 amount determined as necessary to be raised by taxation on the
2 secured roll after due allowance for delinquency, anticipated
3 changes to the roll, disputed tax revenues anticipated to be
4 impounded pursuant to Section 26906.1, amounts subject to the
5 Community Redevelopment Law (Part 1 (commencing with
6 Section 33000) of Division 24 of the Health and Safety Code), and
7 other available financing sources. The board may adopt a rate for
8 voter-approved indebtedness as will produce an amount determined
9 as appropriate for necessary reserves.

10 (b) For purposes of this section, “an amount appropriate for
11 necessary reserves” shall be limited to an amount sufficient to
12 accommodate the county’s anticipated annual cashflow needs for
13 servicing the county’s voter-approved debt. The funds reserved
14 may service only the debt for which the extraordinary rate is levied.
15 All interest earned on the amount deposited in the nonspendable,
16 restricted, committed, or assigned fund balance account shall accrue
17 to the same account.

18 SEC. 1.11. Section 29106 of the Government Code is amended
19 to read:

20 29106. In the resolution adopting tax rates, the entity or fund
21 with its corresponding rate shall be classified in any manner
22 sufficient to identify it.

23 SEC. 1.12. Section 29130 of the Government Code is amended
24 to read:

25 29130. At any regular or special meeting, the board by a
26 four-fifths vote may make available for appropriation any of the
27 following fund balances for which the board has authority:

28 (a) Restricted, committed, assigned, and unassigned fund
29 balances, excluding the general reserves and nonspendable fund
30 balance.

31 (b) Amounts that are either in excess of anticipated amounts or
32 not specifically set forth in the budget derived from any actual or
33 anticipated increases in financing sources.

34 SEC. 1.13. Section 29144 of the Government Code is amended
35 to read:

36 29144. All commitments covered by the restricted, committed,
37 or assigned fund balance—~~for~~ encumbrances *account* at fiscal
38 yearend are appropriated for the succeeding fiscal year.

39 SEC. 2. Section 50057 of the Government Code is amended
40 to read:

1 50057. For individual items in the amount of five thousand
2 dollars (\$5,000) or less, the legislative body of any county may,
3 by resolution, authorize the county treasurer to perform on its
4 behalf any act required or authorized to be performed by it under
5 Sections 50050, 50053, and 50055. The resolution shall require
6 that the county auditor be informed of each act performed under
7 the authorization.

8 SEC. 3. Section 53601 of the Government Code is amended
9 to read:

10 53601. This section shall apply to a local agency that is a city,
11 a district, or other local agency that does not pool money in
12 deposits or investments with other local agencies, other than local
13 agencies that have the same governing body. However, Section
14 53635 shall apply to all local agencies that pool money in deposits
15 or investments with other local agencies that have separate
16 governing bodies. The legislative body of a local agency having
17 moneys in a sinking fund or moneys in its treasury not required
18 for the immediate needs of the local agency may invest any portion
19 of the moneys that it deems wise or expedient in those investments
20 set forth below. A local agency purchasing or obtaining any
21 securities prescribed in this section, in a negotiable, bearer,
22 registered, or nonregistered format, shall require delivery of the
23 securities to the local agency, including those purchased for the
24 agency by financial advisers, consultants, or managers using the
25 agency's funds, by book entry, physical delivery, or by third-party
26 custodial agreement. The transfer of securities to the counterparty
27 bank's customer book entry account may be used for book entry
28 delivery.

29 For purposes of this section, "counterparty" means the other
30 party to the transaction. A counterparty bank's trust department
31 or separate safekeeping department may be used for the physical
32 delivery of the security if the security is held in the name of the
33 local agency. Where this section specifies a percentage limitation
34 for a particular category of investment, that percentage is applicable
35 only at the date of purchase. Where this section does not specify
36 a limitation on the term or remaining maturity at the time of the
37 investment, no investment shall be made in any security, other
38 than a security underlying a repurchase or reverse repurchase
39 agreement or securities lending agreement authorized by this
40 section, that at the time of the investment has a term remaining to

1 maturity in excess of five years, unless the legislative body has
2 granted express authority to make that investment either
3 specifically or as a part of an investment program approved by the
4 legislative body no less than three months prior to the investment:

5 (a) Bonds issued by the local agency, including bonds payable
6 solely out of the revenues from a revenue-producing property
7 owned, controlled, or operated by the local agency or by a
8 department, board, agency, or authority of the local agency.

9 (b) United States Treasury notes, bonds, bills, or certificates of
10 indebtedness, or those for which the faith and credit of the United
11 States are pledged for the payment of principal and interest.

12 (c) Registered state warrants or treasury notes or bonds of this
13 state, including bonds payable solely out of the revenues from a
14 revenue-producing property owned, controlled, or operated by the
15 state or by a department, board, agency, or authority of the state.

16 (d) Registered treasury notes or bonds of any of the other 49
17 states in addition to California, including bonds payable solely out
18 of the revenues from a revenue-producing property owned,
19 controlled, or operated by a state or by a department, board, agency,
20 or authority of any of the other 49 states, in addition to California.

21 (e) Bonds, notes, warrants, or other evidences of indebtedness
22 of a local agency within this state, including bonds payable solely
23 out of the revenues from a revenue-producing property owned,
24 controlled, or operated by the local agency, or by a department,
25 board, agency, or authority of the local agency.

26 (f) Federal agency or United States government-sponsored
27 enterprise obligations, participations, or other instruments,
28 including those issued by or fully guaranteed as to principal and
29 interest by federal agencies or United States government-sponsored
30 enterprises.

31 (g) Bankers' acceptances otherwise known as bills of exchange
32 or time drafts that are drawn on and accepted by a commercial
33 bank. Purchases of bankers' acceptances shall not exceed 180
34 days' maturity or 40 percent of the agency's moneys that may be
35 invested pursuant to this section. However, no more than 30 percent
36 of the agency's moneys may be invested in the bankers'
37 acceptances of any one commercial bank pursuant to this section.

38 This subdivision does not preclude a municipal utility district
39 from investing moneys in its treasury in a manner authorized by

1 the Municipal Utility District Act (Division 6 (commencing with
2 Section 11501) of the Public Utilities Code).

3 (h) Commercial paper of “prime” quality of the highest ranking
4 or of the highest letter and number rating as provided for by a
5 nationally recognized statistical rating organization (NRSRO).
6 The entity that issues the commercial paper shall meet all of the
7 following conditions in either paragraph (1) or (2):

8 (1) The entity meets the following criteria:

9 (A) Is organized and operating in the United States as a general
10 corporation.

11 (B) Has total assets in excess of five hundred million dollars
12 (\$500,000,000).

13 (C) Has debt other than commercial paper, if any, that is rated
14 “A” or higher by an NRSRO.

15 (2) The entity meets the following criteria:

16 (A) Is organized within the United States as a special purpose
17 corporation, trust, or limited liability company.

18 (B) Has programwide credit enhancements including, but not
19 limited to, overcollateralization, letters of credit, or a surety bond.

20 (C) Has commercial paper that is rated “A-1” or higher, or the
21 equivalent, by an NRSRO.

22 Eligible commercial paper shall have a maximum maturity of
23 270 days or less. Local agencies, other than counties or a city and
24 county, may invest no more than 25 percent of their moneys in
25 eligible commercial paper. Local agencies, other than counties or
26 a city and county, may purchase no more than 10 percent of the
27 outstanding commercial paper of any single issuer. Counties or a
28 city and county may invest in commercial paper pursuant to the
29 concentration limits in subdivision (a) of Section 53635.

30 (i) Negotiable certificates of deposit issued by a nationally or
31 state-chartered bank, a savings association or a federal association
32 (as defined by Section 5102 of the Financial Code), a state or
33 federal credit union, or by a federally licensed or state-licensed
34 branch of a foreign bank. Purchases of negotiable certificates of
35 deposit shall not exceed 30 percent of the agency’s moneys that
36 may be invested pursuant to this section. For purposes of this
37 section, negotiable certificates of deposit do not come within
38 Article 2 (commencing with Section 53630), except that the amount
39 so invested shall be subject to the limitations of Section 53638.
40 The legislative body of a local agency and the treasurer or other

1 official of the local agency having legal custody of the moneys
2 are prohibited from investing local agency funds, or funds in the
3 custody of the local agency, in negotiable certificates of deposit
4 issued by a state or federal credit union if a member of the
5 legislative body of the local agency, or a person with investment
6 decisionmaking authority in the administrative office manager's
7 office, budget office, auditor-controller's office, or treasurer's
8 office of the local agency also serves on the board of directors, or
9 any committee appointed by the board of directors, or the credit
10 committee or the supervisory committee of the state or federal
11 credit union issuing the negotiable certificates of deposit.

12 (j) (1) Investments in repurchase agreements or reverse
13 repurchase agreements or securities lending agreements of
14 securities authorized by this section, as long as the agreements are
15 subject to this subdivision, including the delivery requirements
16 specified in this section.

17 (2) Investments in repurchase agreements may be made, on an
18 investment authorized in this section, when the term of the
19 agreement does not exceed one year. The market value of securities
20 that underlie a repurchase agreement shall be valued at 102 percent
21 or greater of the funds borrowed against those securities and the
22 value shall be adjusted no less than quarterly. Since the market
23 value of the underlying securities is subject to daily market
24 fluctuations, the investments in repurchase agreements shall be in
25 compliance if the value of the underlying securities is brought back
26 up to 102 percent no later than the next business day.

27 (3) Reverse repurchase agreements or securities lending
28 agreements may be utilized only when all of the following
29 conditions are met:

30 (A) The security to be sold using a reverse repurchase agreement
31 or securities lending agreement has been owned and fully paid for
32 by the local agency for a minimum of 30 days prior to sale.

33 (B) The total of all reverse repurchase agreements and securities
34 lending agreements on investments owned by the local agency
35 does not exceed 20 percent of the base value of the portfolio.

36 (C) The agreement does not exceed a term of 92 days, unless
37 the agreement includes a written codicil guaranteeing a minimum
38 earning or spread for the entire period between the sale of a security
39 using a reverse repurchase agreement or securities lending
40 agreement and the final maturity date of the same security.

(D) Funds obtained or funds within the pool of an equivalent amount to that obtained from selling a security to a counterparty using a reverse repurchase agreement or securities lending agreement shall not be used to purchase another security with a maturity longer than 92 days from the initial settlement date of the reverse repurchase agreement or securities lending agreement, unless the reverse repurchase agreement or securities lending agreement includes a written codicil guaranteeing a minimum earning or spread for the entire period between the sale of a security using a reverse repurchase agreement or securities lending agreement and the final maturity date of the same security.

(4) (A) Investments in reverse repurchase agreements, securities lending agreements, or similar investments in which the local agency sells securities prior to purchase with a simultaneous agreement to repurchase the security may be made only upon prior approval of the governing body of the local agency and shall be made only with primary dealers of the Federal Reserve Bank of New York or with a nationally or state-chartered bank that has or has had a significant banking relationship with a local agency.

(B) For purposes of this chapter, “significant banking relationship” means any of the following activities of a bank:

(i) Involvement in the creation, sale, purchase, or retirement of a local agency’s bonds, warrants, notes, or other evidence of indebtedness.

(ii) Financing of a local agency’s activities.

(iii) Acceptance of a local agency’s securities or funds as deposits.

(5) (A) “Repurchase agreement” means a purchase of securities by the local agency pursuant to an agreement by which the counterparty seller will repurchase the securities on or before a specified date and for a specified amount and the counterparty will deliver the underlying securities to the local agency by book entry, physical delivery, or by third-party custodial agreement. The transfer of underlying securities to the counterparty bank’s customer book-entry account may be used for book-entry delivery.

(B) “Securities,” for purposes of repurchase under this subdivision, means securities of the same issuer, description, issue date, and maturity.

(C) “Reverse repurchase agreement” means a sale of securities by the local agency pursuant to an agreement by which the local

1 agency will repurchase the securities on or before a specified date
2 and includes other comparable agreements.

3 (D) “Securities lending agreement” means an agreement under
4 which a local agency agrees to transfer securities to a borrower
5 who, in turn, agrees to provide collateral to the local agency.
6 During the term of the agreement, both the securities and the
7 collateral are held by a third party. At the conclusion of the
8 agreement, the securities are transferred back to the local agency
9 in return for the collateral.

10 (E) For purposes of this section, the base value of the local
11 agency’s pool portfolio shall be that dollar amount obtained by
12 totaling all cash balances placed in the pool by all pool participants,
13 excluding any amounts obtained through selling securities by way
14 of reverse repurchase agreements, securities lending agreements,
15 or other similar borrowing methods.

16 (F) For purposes of this section, the spread is the difference
17 between the cost of funds obtained using the reverse repurchase
18 agreement and the earnings obtained on the reinvestment of the
19 funds.

20 (k) Medium-term notes, defined as all corporate and depository
21 institution debt securities with a maximum remaining maturity of
22 five years or less, issued by corporations organized and operating
23 within the United States or by depository institutions licensed by
24 the United States or any state and operating within the United
25 States. Notes eligible for investment under this subdivision shall
26 be rated “A” or better by an NRSRO. Purchases of medium-term
27 notes shall not include other instruments authorized by this section
28 and may not exceed 30 percent of the agency’s moneys that may
29 be invested pursuant to this section.

30 (l) (1) Shares of beneficial interest issued by diversified
31 management companies that invest in the securities and obligations
32 as authorized by subdivisions (a) to (k), inclusive, and subdivisions
33 (m) to (o), inclusive, and that comply with the investment
34 restrictions of this article and Article 2 (commencing with Section
35 53630). However, notwithstanding these restrictions, a counterparty
36 to a reverse repurchase agreement or securities lending agreement
37 is not required to be a primary dealer of the Federal Reserve Bank
38 of New York if the company’s board of directors finds that the
39 counterparty presents a minimal risk of default, and the value of
40 the securities underlying a repurchase agreement or securities

1 lending agreement may be 100 percent of the sales price if the
2 securities are marked to market daily.

3 (2) Shares of beneficial interest issued by diversified
4 management companies that are money market funds registered
5 with the Securities and Exchange Commission under the
6 Investment Company Act of 1940 (15 U.S.C. Sec. 80a-1 et seq.).

7 (3) If investment is in shares issued pursuant to paragraph (1),
8 the company shall have met either of the following criteria:

9 (A) Attained the highest ranking or the highest letter and
10 numerical rating provided by not less than two NRSROs.

11 (B) Retained an investment adviser registered or exempt from
12 registration with the Securities and Exchange Commission with
13 not less than five years' experience investing in the securities and
14 obligations authorized by subdivisions (a) to (k), inclusive, and
15 subdivisions (m) to (o), inclusive, and with assets under
16 management in excess of five hundred million dollars
17 (\$500,000,000).

18 (4) If investment is in shares issued pursuant to paragraph (2),
19 the company shall have met either of the following criteria:

20 (A) Attained the highest ranking or the highest letter and
21 numerical rating provided by not less than two NRSROs.

22 (B) Retained an investment adviser registered or exempt from
23 registration with the Securities and Exchange Commission with
24 not less than five years' experience managing money market
25 mutual funds with assets under management in excess of five
26 hundred million dollars (\$500,000,000).

27 (5) The purchase price of shares of beneficial interest purchased
28 pursuant to this subdivision shall not include commission that the
29 companies may charge and shall not exceed 20 percent of the
30 agency's moneys that may be invested pursuant to this section.
31 However, no more than 10 percent of the agency's funds may be
32 invested in shares of beneficial interest of any one mutual fund
33 pursuant to paragraph (1).

34 (m) Moneys held by a trustee or fiscal agent and pledged to the
35 payment or security of bonds or other indebtedness, or obligations
36 under a lease, installment sale, or other agreement of a local
37 agency, or certificates of participation in those bonds, indebtedness,
38 or lease installment sale, or other agreements, may be invested in
39 accordance with the statutory provisions governing the issuance
40 of those bonds, indebtedness, or lease installment sale, or other

1 agreement, or to the extent not inconsistent therewith or if there
2 are no specific statutory provisions, in accordance with the
3 ordinance, resolution, indenture, or agreement of the local agency
4 providing for the issuance.

5 (n) Notes, bonds, or other obligations that are at all times secured
6 by a valid first priority security interest in securities of the types
7 listed by Section 53651 as eligible securities for the purpose of
8 securing local agency deposits having a market value at least equal
9 to that required by Section 53652 for the purpose of securing local
10 agency deposits. The securities serving as collateral shall be placed
11 by delivery or book entry into the custody of a trust company or
12 the trust department of a bank that is not affiliated with the issuer
13 of the secured obligation, and the security interest shall be perfected
14 in accordance with the requirements of the Uniform Commercial
15 Code or federal regulations applicable to the types of securities in
16 which the security interest is granted.

17 (o) A mortgage passthrough security, collateralized mortgage
18 obligation, mortgage-backed or other pay-through bond, equipment
19 lease-backed certificate, consumer receivable passthrough
20 certificate, or consumer receivable-backed bond of a maximum of
21 five years' maturity. Securities eligible for investment under this
22 subdivision shall be issued by an issuer having an "A" or higher
23 rating for the issuer's debt as provided by an NRSRO and rated in
24 a rating category of "AA" or its equivalent or better by an NRSRO.
25 Purchase of securities authorized by this subdivision may not
26 exceed 20 percent of the agency's surplus moneys that may be
27 invested pursuant to this section.

28 (p) Shares of beneficial interest issued by a joint powers
29 authority organized pursuant to Section 6509.7 that invests in the
30 securities and obligations authorized in subdivisions (a) to (o),
31 inclusive. Each share shall represent an equal proportional interest
32 in the underlying pool of securities owned by the joint powers
33 authority. To be eligible under this section, the joint powers
34 authority issuing the shares shall have retained an investment
35 adviser that meets all of the following criteria:

36 (1) The adviser is registered or exempt from registration with
37 the Securities and Exchange Commission.

38 (2) The adviser has not less than five years of experience
39 investing in the securities and obligations authorized in
40 subdivisions (a) to (o), inclusive.

1 (3) The adviser has assets under management in excess of five
2 hundred million dollars (\$500,000,000).

3 SEC. 3.5. Section 54954.6 of the Government Code is amended
4 to read:

5 54954.6. (a) (1) Before adopting any new or increased general
6 tax or any new or increased assessment, the legislative body of a
7 local agency shall conduct at least one public meeting at which
8 local officials shall allow public testimony regarding the proposed
9 new or increased general tax or new or increased assessment in
10 addition to the noticed public hearing at which the legislative body
11 proposes to enact or increase the general tax or assessment.

12 For purposes of this section, the term “new or increased
13 assessment” does not include any of the following:

14 (A) A fee that does not exceed the reasonable cost of providing
15 the services, facilities, or regulatory activity for which the fee is
16 charged.

17 (B) A service charge, rate, or charge, unless a special district’s
18 principal act requires the service charge, rate, or charge to conform
19 to the requirements of this section.

20 (C) An ongoing annual assessment if it is imposed at the same
21 or lower amount as any previous year.

22 (D) An assessment that does not exceed an assessment formula
23 or range of assessments previously specified in the notice given
24 to the public pursuant to subparagraph (G) of paragraph (2) of
25 subdivision (c) and that was previously adopted by the agency or
26 approved by the voters in the area where the assessment is imposed.

27 (E) Standby or immediate availability charges.

28 (2) The legislative body shall provide at least 45 days’ public
29 notice of the public hearing at which the legislative body proposes
30 to enact or increase the general tax or assessment. The legislative
31 body shall provide notice for the public meeting at the same time
32 and in the same document as the notice for the public hearing, but
33 the meeting shall occur prior to the hearing.

34 (b) (1) The joint notice of both the public meeting and the public
35 hearing required by subdivision (a) with respect to a proposal for
36 a new or increased general tax shall be accomplished by placing
37 a display advertisement of at least one-eighth page in a newspaper
38 of general circulation for three weeks pursuant to Section 6063
39 and by a first-class mailing to those interested parties who have
40 filed a written request with the local agency for mailed notice of

1 public meetings or hearings on new or increased general taxes.
2 The public meeting pursuant to subdivision (a) shall take place no
3 earlier than 10 days after the first publication of the joint notice
4 pursuant to this subdivision. The public hearing shall take place
5 no earlier than seven days after the public meeting pursuant to this
6 subdivision. Notwithstanding paragraph (2) of subdivision (a), the
7 joint notice need not include notice of the public meeting after the
8 meeting has taken place. The public hearing pursuant to subdivision
9 (a) shall take place no earlier than 45 days after the first publication
10 of the joint notice pursuant to this subdivision. Any written request
11 for mailed notices shall be effective for one year from the date on
12 which it is filed unless a renewal request is filed. Renewal requests
13 for mailed notices shall be filed on or before April 1 of each year.
14 The legislative body may establish a reasonable annual charge for
15 sending notices based on the estimated cost of providing the
16 service.

17 (2) The notice required by paragraph (1) of this subdivision
18 shall include, but not be limited to, the following:

19 (A) The amount or rate of the tax. If the tax is proposed to be
20 increased from any previous year, the joint notice shall separately
21 state both the existing tax rate and the proposed tax rate increase.

22 (B) The activity to be taxed.

23 (C) The estimated amount of revenue to be raised by the tax
24 annually.

25 (D) The method and frequency for collecting the tax.

26 (E) The dates, times, and locations of the public meeting and
27 hearing described in subdivision (a).

28 (F) The ~~phone~~ telephone number and address of an individual,
29 office, or organization that interested persons may contact to
30 receive additional information about the tax.

31 (c) (1) The joint notice of both the public meeting and the public
32 hearing required by subdivision (a) with respect to a proposal for
33 a new or increased assessment on real property or businesses shall
34 be accomplished through a mailing, postage prepaid, in the United
35 States mail and shall be deemed given when so deposited. The
36 public meeting pursuant to subdivision (a) shall take place no
37 earlier than 10 days after the joint mailing pursuant to this
38 subdivision. The public hearing shall take place no earlier than
39 seven days after the public meeting pursuant to this subdivision.
40 The envelope or the cover of the mailing shall include the name

1 of the local agency and the return address of the sender. This mailed
2 notice shall be in at least 10-point type and shall be given to all
3 property owners or business owners proposed to be subject to the
4 new or increased assessment by a mailing by name to those persons
5 whose names and addresses appear on the last equalized county
6 assessment roll, the State Board of Equalization assessment roll,
7 or the local agency's records pertaining to business ownership, as
8 the case may be.

9 (2) The joint notice required by paragraph (1) of this subdivision
10 shall include, but not be limited to, the following:

11 (A) In the case of an assessment proposed to be levied on
12 property, the estimated amount of the assessment per parcel. In
13 the case of an assessment proposed to be levied on businesses, the
14 proposed method and basis of levying the assessment in sufficient
15 detail to allow each business owner to calculate the amount of
16 assessment to be levied against each business. If the assessment
17 is proposed to be increased from any previous year, the joint notice
18 shall separately state both the amount of the existing assessment
19 and the proposed assessment increase.

20 (B) A general description of the purpose or improvements that
21 the assessment will fund.

22 (C) The address to which property owners may mail a protest
23 against the assessment.

24 (D) The ~~phone~~ *telephone* number and address of an individual,
25 office, or organization that interested persons may contact to
26 receive additional information about the assessment.

27 (E) A statement that a majority protest will cause the assessment
28 to be abandoned if the assessment act used to levy the assessment
29 so provides. Notice shall also state the percentage of protests
30 required to trigger an election, if applicable.

31 (F) The dates, times, and locations of the public meeting and
32 hearing described in subdivision (a).

33 (G) A proposed assessment formula or range as described in
34 subparagraph (D) of paragraph (1) of subdivision (a) if applicable
35 and that is noticed pursuant to this section.

36 (3) Notwithstanding paragraph (1), in the case of an assessment
37 that is proposed exclusively for operation and maintenance
38 expenses imposed throughout the entire local agency, or
39 exclusively for operation and maintenance assessments proposed
40 to be levied on 50,000 parcels or more, notice may be provided

1 pursuant to this subdivision or pursuant to paragraph (1) of
2 subdivision (b) and shall include the estimated amount of the
3 assessment of various types, amounts, or uses of property and the
4 information required by subparagraphs (B) to (G), inclusive, of
5 paragraph (2) of subdivision (c).

6 (4) Notwithstanding paragraph (1), in the case of an assessment
7 proposed to be levied pursuant to Part 2 (commencing with Section
8 22500) of Division 2 of the Streets and Highways Code by a
9 regional park district, regional park and open-space district, or
10 regional open-space district formed pursuant to Article 3
11 (commencing with Section 5500) of Chapter 3 of Division 5 of,
12 or pursuant to Division 26 (commencing with Section 35100) of,
13 the Public Resources Code, notice may be provided pursuant to
14 paragraph (1) of subdivision (b).

15 (d) The notice requirements imposed by this section shall be
16 construed as additional to, and not to supersede, existing provisions
17 of law, and shall be applied concurrently with the existing
18 provisions so as to not delay or prolong the governmental
19 decisionmaking process.

20 (e) This section shall not apply to any new or increased general
21 tax or any new or increased assessment that requires an election
22 of either of the following:

23 (1) The property owners subject to the assessment.

24 (2) The voters within the local agency imposing the tax or
25 assessment.

26 (f) Nothing in this section shall prohibit a local agency from
27 holding a consolidated meeting or hearing at which the legislative
28 body discusses multiple tax or assessment proposals.

29 (g) The local agency may recover the reasonable costs of public
30 meetings, public hearings, and notice required by this section from
31 the proceeds of the tax or assessment. The costs recovered for
32 these purposes, whether recovered pursuant to this subdivision or
33 any other provision of law, shall not exceed the reasonable costs
34 of the public meetings, public hearings, and notice.

35 (h) Any new or increased assessment that is subject to the notice
36 and hearing provisions of Article XIII C or XIII D of the California
37 Constitution is not subject to the notice and hearing requirements
38 of this section.

39 SEC. 4. Section 61041 of the Government Code is repealed.

1 SEC. 5. Section 65353 of the Government Code is amended
2 to read:

3 65353. (a) When the city or county has a planning commission
4 authorized by local ordinance or resolution to review and
5 recommend action on a proposed general plan or proposed
6 amendments to the general plan, the commission shall hold at least
7 one public hearing before approving a recommendation on the
8 adoption or amendment of a general plan. Notice of the hearing
9 shall be given pursuant to Section 65090.

10 (b) If a proposed general plan or amendments to a general plan
11 would affect the permitted uses or intensity of uses of real property,
12 notice of the hearing shall also be given pursuant to paragraphs
13 (1) and (3) of subdivision (a) of Section 65091.

14 (c) If the number of owners to whom notice would be mailed
15 or delivered pursuant to subdivision (b) is greater than 1,000, a
16 local agency may, in lieu of mailed or delivered notice, provide
17 notice by publishing notice pursuant to paragraph (4) of subdivision
18 (a) of Section 65091.

19 (d) If the hearings held under this section are held at the same
20 time as hearings under Section 65854, the notice of the hearing
21 may be combined.

22 SEC. 6. Section 66426.5 of the Government Code is amended
23 to read:

24 66426.5. Any conveyance of land to or from a governmental
25 agency, public entity, public utility, or subsidiary of a public utility
26 for conveyance to that public utility for rights-of-way shall not be
27 considered a division of land for purposes of computing the number
28 of parcels. For purposes of this section, any conveyance of land
29 to or from a governmental agency shall include a fee interest, a
30 leasehold interest, an easement, or a license.

31 SEC. 7. Section 66428 of the Government Code is amended
32 to read:

33 66428. (a) Local ordinances may require a tentative map where
34 a parcel map is required by this chapter. A parcel map shall be
35 required for subdivisions as to which a final or parcel map is not
36 otherwise required by this chapter, unless the preparation of the
37 parcel map is waived by local ordinance as provided in this section.
38 A parcel map shall not be required for either of the following:

39 (1) Subdivisions of a portion of the operating right-of-way of
40 a railroad corporation, as defined by Section 230 of the Public

1 Utilities Code, that are created by short-term leases (terminable
2 by either party on not more than 30 days' notice in writing).

3 (2) Any conveyance of land to or from a governmental agency,
4 public entity, public utility, or for land conveyed to a subsidiary
5 of a public utility for conveyance to that public utility for
6 rights-of-way shall not be considered a division of land for
7 purposes of computing the number of parcels. For purposes of this
8 subdivision, any conveyance of land to or from a governmental
9 agency shall include a fee interest, a leasehold interest, an
10 easement, or a license.

11 (b) A local agency shall, by ordinance, provide a procedure for
12 waiving the requirement for a parcel map, imposed by this division,
13 including the requirements for a parcel map imposed by Section
14 66426. The procedure may include provisions for waiving the
15 requirement for a tentative and final map for the construction of
16 a condominium project on a single parcel. The ordinance shall
17 require a finding by the legislative body or advisory agency, that
18 the proposed division of land complies with requirements
19 established by this division or local ordinance enacted pursuant
20 thereto as to area, improvement and design, floodwater drainage
21 control, appropriate improved public roads, sanitary disposal
22 facilities, water supply availability, environmental protection, and
23 other requirements of this division or local ordinance enacted
24 pursuant thereto. In any case, where the requirement for a parcel
25 map is waived by local ordinance pursuant to this section, a
26 tentative map may be required by local ordinance.

27 (c) If a local ordinance does not require a tentative map where
28 a parcel map is required by this division, the subdivider shall have
29 the option of submitting a tentative map, or if he or she desires to
30 obtain the rights conferred by Chapter 4.5 (commencing with
31 Section 66498.1), a vesting tentative map.

32 SEC. 7.5. Section 66452.6 of the Government Code is amended
33 to read:

34 66452.6. (a) (1) An approved or conditionally approved
35 tentative map shall expire 24 months after its approval or
36 conditional approval, or after any additional period of time as may
37 be prescribed by local ordinance, not to exceed an additional 12
38 months. However, if the subdivider is required to expend two
39 hundred thirty-six thousand seven hundred ninety dollars
40 (\$236,790) or more to construct, improve, or finance the

1 construction or improvement of public improvements outside the
2 property boundaries of the tentative map, excluding improvements
3 of public rights-of-way which abut the boundary of the property
4 to be subdivided and which are reasonably related to the
5 development of that property, each filing of a final map authorized
6 by Section 66456.1 shall extend the expiration of the approved or
7 conditionally approved tentative map by 36 months from the date
8 of its expiration, as provided in this section, or the date of the
9 previously filed final map, whichever is later. The extensions shall
10 not extend the tentative map more than 10 years from its approval
11 or conditional approval. However, a tentative map on property
12 subject to a development agreement authorized by Article 2.5
13 (commencing with Section 65864) of Chapter 4 of Division 1 may
14 be extended for the period of time provided for in the agreement,
15 but not beyond the duration of the agreement. The number of
16 phased final maps that may be filed shall be determined by the
17 advisory agency at the time of the approval or conditional approval
18 of the tentative map.

19 (2) Commencing January 1, 2012, and each calendar year
20 thereafter, the amount of two hundred thirty-six thousand seven
21 hundred ninety dollars (\$236,790) shall be annually increased by
22 operation of law according to the adjustment for inflation set forth
23 in the statewide cost index for class B construction, as determined
24 by the State Allocation Board at its January meeting. The effective
25 date of each annual adjustment shall be March 1. The adjusted
26 amount shall apply to tentative and vesting tentative maps whose
27 applications were received after the effective date of the
28 adjustment.

29 (3) “Public improvements,” as used in this subdivision, include
30 traffic controls, streets, roads, highways, freeways, bridges,
31 overcrossings, street interchanges, flood control or storm drain
32 facilities, sewer facilities, water facilities, and lighting facilities.

33 (b) (1) The period of time specified in subdivision (a), including
34 any extension thereof granted pursuant to subdivision (e), shall
35 not include any period of time during which a development
36 moratorium, imposed after approval of the tentative map, is in
37 existence. However, the length of the moratorium shall not exceed
38 five years.

39 (2) The length of time specified in paragraph (1) shall be
40 extended for up to three years, but in no event beyond January 1,

1 1992, during the pendency of any lawsuit in which the subdivider
2 asserts, and the local agency which approved or conditionally
3 approved the tentative map denies, the existence or application of
4 a development moratorium to the tentative map.

5 (3) Once a development moratorium is terminated, the map
6 shall be valid for the same period of time as was left to run on the
7 map at the time that the moratorium was imposed. However, if the
8 remaining time is less than 120 days, the map shall be valid for
9 120 days following the termination of the moratorium.

10 (c) The period of time specified in subdivision (a), including
11 any extension thereof granted pursuant to subdivision (e), shall
12 not include the period of time during which a lawsuit involving
13 the approval or conditional approval of the tentative map is or was
14 pending in a court of competent jurisdiction, if the stay of the time
15 period is approved by the local agency pursuant to this section.
16 After service of the initial petition or complaint in the lawsuit upon
17 the local agency, the subdivider may apply to the local agency for
18 a stay pursuant to the local agency's adopted procedures. Within
19 40 days after receiving the application, the local agency shall either
20 stay the time period for up to five years or deny the requested stay.
21 The local agency may, by ordinance, establish procedures for
22 reviewing the requests, including, but not limited to, notice and
23 hearing requirements, appeal procedures, and other administrative
24 requirements.

25 (d) The expiration of the approved or conditionally approved
26 tentative map shall terminate all proceedings and no final map or
27 parcel map of all or any portion of the real property included within
28 the tentative map shall be filed with the legislative body without
29 first processing a new tentative map. Once a timely filing is made,
30 subsequent actions of the local agency, including, but not limited
31 to, processing, approving, and recording, may lawfully occur after
32 the date of expiration of the tentative map. Delivery to the county
33 surveyor or city engineer shall be deemed a timely filing for
34 purposes of this section.

35 (e) Upon application of the subdivider filed prior to the
36 expiration of the approved or conditionally approved tentative
37 map, the time at which the map expires pursuant to subdivision
38 (a) may be extended by the legislative body or by an advisory
39 agency authorized to approve or conditionally approve tentative
40 maps for a period or periods not exceeding a total of six years. The

1 period of extension specified in this subdivision shall be in addition
2 to the period of time provided by subdivision (a). Prior to the
3 expiration of an approved or conditionally approved tentative map,
4 upon an application by the subdivider to extend that map, the map
5 shall automatically be extended for 60 days or until the application
6 for the extension is approved, conditionally approved, or denied,
7 whichever occurs first. If the advisory agency denies a subdivider's
8 application for an extension, the subdivider may appeal to the
9 legislative body within 15 days after the advisory agency has
10 denied the extension.

11 (f) For purposes of this section, a development moratorium
12 includes a water or sewer moratorium, or a water and sewer
13 moratorium, as well as other actions of public agencies which
14 regulate land use, development, or the provision of services to the
15 land, including the public agency with the authority to approve or
16 conditionally approve the tentative map, which thereafter prevents,
17 prohibits, or delays the approval of a final or parcel map. A
18 development moratorium shall also be deemed to exist for purposes
19 of this section for any period of time during which a condition
20 imposed by the city or county could not be satisfied because of
21 either of the following:

22 (1) The condition was one that, by its nature, necessitated action
23 by the city or county, and the city or county either did not take the
24 necessary action or by its own action or inaction was prevented or
25 delayed in taking the necessary action prior to expiration of the
26 tentative map.

27 (2) The condition necessitates acquisition of real property or
28 any interest in real property from a public agency, other than the
29 city or county that approved or conditionally approved the tentative
30 map, and that other public agency fails or refuses to convey the
31 property interest necessary to satisfy the condition. However,
32 nothing in this subdivision shall be construed to require any public
33 agency to convey any interest in real property owned by it. A
34 development moratorium specified in this paragraph shall be
35 deemed to have been imposed either on the date of approval or
36 conditional approval of the tentative map, if evidence was included
37 in the public record that the public agency which owns or controls
38 the real property or any interest therein may refuse to convey that
39 property or interest, or on the date that the public agency which
40 owns or controls the real property or any interest therein receives

1 an offer by the subdivider to purchase that property or interest for
2 fair market value, whichever is later. A development moratorium
3 specified in this paragraph shall extend the tentative map up to the
4 maximum period as set forth in subdivision (b), but not later than
5 January 1, 1992, so long as the public agency which owns or
6 controls the real property or any interest therein fails or refuses to
7 convey the necessary property interest, regardless of the reason
8 for the failure or refusal, except that the development moratorium
9 shall be deemed to terminate 60 days after the public agency has
10 officially made, and communicated to the subdivider, a written
11 offer or commitment binding on the agency to convey the necessary
12 property interest for a fair market value, paid in a reasonable time
13 and manner.

14 SEC. 8. Section 66484.3 of the Government Code is amended
15 to read:

16 66484.3. (a) Notwithstanding Section 66007, the Board of
17 Supervisors of the County of Orange and the city council or
18 councils of any city or cities in that county may, by ordinance,
19 require the payment of a fee as a condition of approval of a final
20 map or as a condition of issuing a building permit for purposes of
21 defraying the actual or estimated cost of constructing bridges over
22 waterways, railways, freeways, and canyons, or constructing major
23 thoroughfares.

24 (b) The local ordinance may require payment of fees pursuant
25 to this section if:

26 (1) The ordinance refers to the circulation element of the general
27 plan and, in the case of bridges, to the transportation provisions
28 or flood control provisions of the general plan which identify
29 railways, freeways, streams, or canyons for which bridge crossings
30 are required on the general plan or local roads, and in the case of
31 major thoroughfares, to the provisions of the circulation element
32 which identify those major thoroughfares whose primary purpose
33 is to carry through traffic and provide a network connecting to or
34 which is part of the state highway system, and the circulation
35 element, transportation provisions, or flood control provisions
36 have been adopted by the local agency 30 days prior to the filing
37 of a map or application for a building permit. Bridges which are
38 part of a major thoroughfare need not be separately identified in
39 the transportation or flood control provisions of the general plan.

1 (2) The ordinance provides that there will be a public hearing
2 held by the governing body for each area benefited. Notice shall
3 be given pursuant to Section 65905. In addition to the requirements
4 of Section 65905, the notice shall contain preliminary information
5 related to the boundaries of the area of benefit, estimated cost, and
6 the method of fee apportionment. The area of benefit may include
7 land or improvements in addition to the land or improvements
8 which are the subject of any map or building permit application
9 considered at the proceedings.

10 (3) The ordinance provides that at the public hearing, the
11 boundaries of the area of benefit, the costs, whether actual or
12 estimated, and a fair method of allocation of costs to the area of
13 benefit and fee apportionment are established. The method of fee
14 apportionment, in the case of major thoroughfares, shall not provide
15 for higher fees on land which abuts the proposed improvement
16 except where the abutting property is provided direct usable access
17 to the major thoroughfare. A description of the boundaries of the
18 area of benefit, the costs, whether actual or estimated, and the
19 method of fee apportionment established at the hearing shall be
20 incorporated in a resolution of the governing body, a certified copy
21 of which shall be recorded by the governing body conducting the
22 hearing with the recorder of the County of Orange. The resolution
23 may subsequently be modified in any respect by the governing
24 body. Modifications shall be adopted in the same manner as the
25 original resolution, except that the resolution of a city or county
26 which has entered into a joint exercise of powers agreement
27 pursuant to subdivision (f), relating to constructing bridges over
28 waterways, railways, freeways, and canyons or constructing major
29 thoroughfares by the joint powers agency, may be modified by the
30 joint powers agency following public notice and a public hearing,
31 if the joint powers agency has complied with all applicable laws,
32 including Chapter 5 (commencing with Section 66000) of Division
33 1. Any modification shall be subject to the protest procedures
34 prescribed by paragraph (6). The resolution may provide for
35 automatic periodic adjustment of fees based upon the California
36 Construction Cost Index prepared and published by the Department
37 of Transportation, without further action of the governing body,
38 including, but not limited to, public notice or hearing. The
39 apportioned fees shall be applicable to all property within the area
40 of benefit and shall be payable as a condition of approval of a final

1 map or as a condition of issuing a building permit for any of the
2 property or portions of the property. Where the area of benefit
3 includes lands not subject to the payment of fees pursuant to this
4 section, the governing body shall make provision for payment of
5 the share of improvement costs apportioned to those lands from
6 other sources, but those sources need not be identified at the time
7 of the adoption of the resolution.

8 (4) The ordinance provides that payment of fees shall not be
9 required unless the major thoroughfares are in addition to, or a
10 reconstruction or widening of, any existing major thoroughfares
11 serving the area at the time of the adoption of the boundaries of
12 the area of benefit.

13 (5) The ordinance provides that payment of fees shall not be
14 required unless the planned bridge facility is an original bridge
15 serving the area or an addition to any existing bridge facility
16 serving the area at the time of the adoption of the boundaries of
17 the area of benefit. Fees imposed pursuant to this section shall not
18 be expended to reimburse the cost of existing bridge facility
19 construction, unless these costs are incurred in connection with
20 the construction of an addition to an existing bridge for which fees
21 may be required.

22 (6) The ordinance provides that if, within the time when protests
23 may be filed under its provisions, there is a written protest, filed
24 with the clerk of the legislative body, by the owners of more than
25 one-half of the area of the property to be benefited by the
26 improvement, and sufficient protests are not withdrawn so as to
27 reduce the area represented to less than one-half of that to be
28 benefited, then the proposed proceedings shall be abandoned, and
29 the legislative body shall not, for one year from the filing of that
30 written protest, commence or carry on any proceedings for the
31 same improvement or acquisition under this section, unless the
32 protests are overruled by an affirmative vote of four-fifths of the
33 legislative body.

34 Nothing in this section shall preclude the processing and
35 recordation of maps in accordance with other provisions of this
36 division if proceedings are abandoned.

37 Any protests may be withdrawn in writing by the owner who
38 filed the protest, at any time prior to the conclusion of a public
39 hearing held pursuant to the ordinance.

1 If any majority protest is directed against only a portion of the
2 improvement then all further proceedings under the provisions of
3 this section to construct that portion of the improvement so
4 protested against shall be barred for a period of one year, but the
5 legislative body shall not be barred from commencing new
6 proceedings not including any part of the improvement or
7 acquisition so protested against. Nothing in this section shall
8 prohibit the legislative body, within the one-year period, from
9 commencing and carrying on new proceedings for the construction
10 of a portion of the improvement so protested against if it finds, by
11 the affirmative vote of four-fifths of its members, that the owners
12 of more than one-half of the area of the property to be benefited
13 are in favor of going forward with that portion of the improvement
14 or acquisition.

15 If the provisions of this paragraph, or provisions implementing
16 this paragraph contained in any ordinance adopted pursuant to this
17 section, are held invalid, that invalidity shall not affect other
18 provisions of this section or of the ordinance adopted pursuant
19 thereto, which can be given effect without the invalid provision,
20 and to this end the provisions of this section and of an ordinance
21 adopted pursuant thereto are severable.

22 (c) Fees paid pursuant to an ordinance adopted pursuant to this
23 section shall be deposited in a planned bridge facility or major
24 thoroughfare fund. A fund shall be established for each planned
25 bridge facility project or each planned major thoroughfare project.
26 If the benefit area is one in which more than one bridge or major
27 thoroughfare is required to be constructed, a fund may be so
28 established covering all of the bridge or major thoroughfare
29 projects in the benefit area. Except as otherwise provided in
30 subdivision (g), moneys in the fund shall be expended solely for
31 the construction or reimbursement for construction of the
32 improvement serving the area to be benefited and from which the
33 fees comprising the fund were collected, or to reimburse the county
34 or a city for the cost of constructing the improvement.

35 (d) An ordinance adopted pursuant to this section may provide
36 for the acceptance of considerations in lieu of the payment of fees.

37 (e) The county or a city imposing fees pursuant to this section
38 may advance money from its general fund or road fund to pay the
39 cost of constructing the improvements and may reimburse the
40 general fund or road fund from planned bridge facilities or major

1 thoroughfares funds established to finance the construction of the
2 improvements.

3 (f) The county or a city imposing fees pursuant to this section
4 may incur an interest-bearing indebtedness for the construction of
5 bridge facilities or major thoroughfares. The sole security for
6 repayment of the indebtedness shall be moneys in planned bridge
7 facilities or major thoroughfares funds. A city or county imposing
8 fees pursuant to this section may enter into joint exercise of powers
9 agreements with other local agencies imposing fees pursuant to
10 this section, for the purpose of, among others, jointly exercising
11 as a duly authorized original power established by this section, in
12 addition to those through a joint exercise of powers agreement,
13 those powers authorized in Chapter 5 (commencing with Section
14 31100) of Division 17 of the Streets and Highways Code for the
15 purpose of constructing bridge facilities and major thoroughfares
16 in lieu of a tunnel and appurtenant facilities, and, notwithstanding
17 Section 31200 of the Streets and Highways Code, may acquire by
18 dedication, gift, purchase, or eminent domain, any franchise, rights,
19 privileges, easements, or other interest in property, either real or
20 personal, necessary therefor on segments of the state highway
21 system, including, but not limited to, those segments of the state
22 highway system eligible for federal participation pursuant to Title
23 of the United States Code.

24 An entity constructing bridge facilities and major thoroughfares
25 pursuant to this section shall design and construct the bridge
26 facilities and major thoroughfares to the standards and
27 specifications of the Department of Transportation then in effect,
28 and may, at any time, transfer all or a portion of the bridge facilities
29 and major thoroughfares to the state subject to the terms and
30 conditions as shall be satisfactory to the Director of the Department
31 of Transportation. Any of these bridge facilities and major
32 thoroughfares shall be designated as a portion of the state highway
33 system prior to its transfer. The participants in a joint exercise of
34 powers agreement may also exercise as a duly authorized original
35 power established by this section the power to establish and collect
36 toll charges only for paying for the costs of construction of the
37 major thoroughfare for which the toll is charged and for the costs
38 of collecting the tolls, except that a joint powers agency, which is
39 the lending agency, may, notwithstanding subdivision (c), make
40 toll revenues and fees imposed pursuant to this section available

1 to another joint powers agency, which is the borrowing agency,
2 established for the purpose of designing, financing, and
3 constructing coordinated and interrelated major thoroughfares, in
4 the form of a subordinated loan, to pay for the cost of construction
5 and toll collection of major thoroughfares other than the major
6 thoroughfares for which the toll or fee is charged, if the lending
7 agency has complied with all applicable laws, including Chapter
8 5 (commencing with Section 66000) of Division 1, and if the
9 borrowing agency is required to pay interest on the loan to the
10 lending agency at a rate equal to the interest rate charged on funds
11 loaned from the Pooled Money Investment Account. Prior to
12 executing the loan, the lending agency shall make all of the
13 following findings:

14 (1) The major thoroughfare for which the toll or fee is charged
15 will benefit from the construction of the major thoroughfare to be
16 constructed by the borrowing agency or will benefit financially
17 by a sharing of revenues with the borrowing agency.

18 (2) The lending agency will possess adequate financial resources
19 to fund all costs of construction of existing and future projects that
20 it plans to undertake prior to the final maturity of the loan, after
21 funding the loan, and taking into consideration its then existing
22 funds, its present and future obligations, and the revenues and fees
23 it expects to receive.

24 (3) The funding of the loan will not materially impair its
25 financial condition or operations during the term of the loan.

26 Major thoroughfares from which tolls are charged shall utilize
27 the toll collection equipment most capable of moving vehicles
28 expeditiously and efficiently, and which is best suited for that
29 purpose, as determined by the participants in the joint exercise of
30 powers agreement. However, in no event shall the powers
31 authorized in Chapter 5 (commencing with Section 31100) of
32 Division 17 of the Streets and Highways Code be exercised unless
33 a resolution is first adopted by the legislative body of the agency
34 finding that adequate funding for the portion of the cost of
35 constructing those bridge facilities and major thoroughfares not
36 funded by the development fees collected by the agency is not
37 available from any federal, state, or other source. Any major
38 thoroughfare constructed and operated as a toll road pursuant to
39 this section shall only be constructed parallel to other public
40 thoroughfares and highways.

(g) The term “construction,” as used in this section, includes design, acquisition of rights-of-way, and actual construction, including, but not limited to, all direct and indirect environmental, engineering, accounting, legal, administration of construction contracts, and other services necessary therefor. The term “construction” also includes reasonable general agency administrative expenses, not exceeding three hundred thousand dollars (\$300,000) in any calendar year after January 1, 1986, as adjusted annually for any increase or decrease in the Consumer Price Index of the Bureau of Labor Statistics of the United States Department of Labor for all Urban Consumers, Los Angeles-Long Beach-Anaheim, California (1967=100), as published by the United States Department of Commerce, by each agency created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 for the purpose of constructing bridges and major thoroughfares. “General agency administrative expenses” means those office, personnel, and other customary and normal expenses associated with the direct management and administration of the agency, but not including costs of construction.

(h) Fees paid pursuant to an ordinance adopted pursuant to this section may be utilized to defray all direct and indirect financing costs related to the construction of the bridges and major thoroughfares by the joint powers agency. Because the financing costs of bridges and major thoroughfares for which a toll charge shall be established or collected represent a necessary element of the total cost of those bridges and major thoroughfares, the joint powers agency constructing those facilities may include a charge for financing costs in the calculation of the fee rate. The charge shall be based on the estimated financing cost of any eligible portion of the bridges and major thoroughfares for which tolls shall be collected. The eligible portion shall be any or all portions of the major thoroughfare for which a viable financial plan has been adopted by the joint powers agency on the basis of revenues reasonably expected by the joint powers agency to be available to the thoroughfare, after consultation with representatives of the fee payers. For purposes of calculating the charge, financing costs shall include only reasonable allowances for payments and charges for principal, interest, and premium on indebtedness, letter of credit fees and charges, remarketing fees and charges, underwriters’ discount, and other costs of issuance, less net earnings on bridge

1 and major thoroughfare funds by the joint powers agency prior to
2 the opening of the facility to traffic after giving effect to any
3 payments from the fund to preserve the federal income tax
4 exemption on the indebtedness. For purposes of calculating the
5 charge for financing costs in the calculation of the fee rate only,
6 financing costs shall not include any allowance for the cost of any
7 interest paid on indebtedness with regard to each eligible portion
8 after the estimated opening of the portion to traffic as established
9 by the joint powers agency. Any and all challenges to any financial
10 plan or financing costs adopted or calculated pursuant to this
11 section shall be governed by subdivision (k).

12 (i) Nothing in this section shall be construed to preclude the
13 County of Orange or any city within that county from providing
14 funds for the construction of bridge facilities or major
15 thoroughfares to defray costs not allocated to the area of benefit.

16 (j) Any city within the County of Orange may require the
17 payment of fees in accordance with this section as to any property
18 in an area of benefit within the city's boundaries, for facilities
19 shown on its general plan or the county's general plan, whether
20 the facilities are situated within or outside the boundaries of the
21 city, and the county may expend fees for facilities or portions
22 thereof located within cities in the county.

23 (k) The validity of any fee required pursuant to this section shall
24 not be contested in any action or proceeding unless commenced
25 within 60 days after recordation of the resolution described in
26 paragraph (3) of subdivision (b). The provisions of Chapter 9
27 (commencing with Section 860) of Title 10 of Part 2 of the Code
28 of Civil Procedure shall be applicable to any such action or
29 proceeding. This subdivision shall also apply to modifications of
30 fee programs.

31 (l) If the County of Orange and any city within that county have
32 entered into a joint powers agreement for the purpose of
33 constructing the bridges and major thoroughfares referred to in
34 Sections 50029 and 66484, and if a proposed change of
35 organization or reorganization includes any territory of an area of
36 benefit established pursuant to Sections 50029 and 66484, within
37 a successor local agency, the local agency shall not take any action
38 that would impair, delay, frustrate, obstruct, or otherwise impede
39 the construction of the bridges and major thoroughfares referred
40 to in this section.

(m) Nothing in this section prohibits the succession of all powers, obligations, liabilities, and duties of any joint powers agency created pursuant to subdivision (l) to an entity with comprehensive countywide transportation planning and operating authority which is statutorily created in the County of Orange and which is statutorily authorized to assume those powers, obligations, liabilities, and duties.

SEC. 8.5. Section 4768 of the Health and Safety Code is amended to read:

4768. Section 19990 of the Government Code shall apply to employees of the district.

SEC. 9. Section 33038 of the Health and Safety Code is repealed.

SEC. 10. Section 33320.51 of the Health and Safety Code is amended and renumbered to read:

33492.43. (a) Any redevelopment plan, or any amendment to an existing redevelopment plan adopted on or after July 1, 1993, that is subject to Section 33492.40, may utilize as the base year either the year it was adopted or the 1994–95 fiscal year, at the option of the adopting agency, as referenced by a duly adopted ordinance of the governing board. If the governing board adopts the 1994–95 fiscal year as the base year, that designation shall remain in effect only until the time that the county assessor certifies that assessed values for the redevelopment project area equal or exceed the assessed value in the initial base year. When that certification is made by the county assessor, the base year shall revert to the initial base year at the time of plan adoption.

(b) To the extent any adjustment in the base year pursuant to this section creates a negative fiscal impact on the state, the governing board shall, on or before the expiration of five years from the date of the adjustment of the base year pursuant to this section, remit to the Controller the total amount of increased aid to schools received from the state as a result of the adjustment in the base year as determined by the Department of Finance in consultation with the governing board.

SEC. 11. Section 20395 of the Public Contract Code is amended to read:

20395. In any county that has appointed a road commissioner pursuant to Section 2006 of the Streets and Highways Code, or in any county that has abolished the office of road commissioner and

1 complied with Section 2006.1 of the Streets and Highways Code,
2 the board may authorize the road commissioner, or a registered
3 civil engineer under the direction of the county director of
4 transportation, to have any work upon county highways done under
5 his or her supervision and direction. The work may be done in any
6 of the following ways:

7 (a) By letting a contract covering both work and material. In
8 that event, the contract shall be let to the lowest responsible bidder
9 as provided in this article.

10 (b) By purchasing the material and letting a contract for the
11 performance of the work. In that event, the material shall be bought
12 at the lowest possible cost and the contract let to the lowest
13 responsible bidder as provided in this article.

14 (c) By purchasing the material and having the work done by
15 day labor, in which case advertising for bids is not required.

16 (d) (1) By authorizing the county road commissioner or a
17 registered civil engineer under the direction of the county director
18 of transportation to execute changes or additions to the work for
19 any contract pursuant to this section in an amount not to exceed
20 five thousand dollars (\$5,000) for contracts of fifty thousand dollars
21 (\$50,000) or less, or 10 percent for contracts over fifty thousand
22 dollars (\$50,000) but not to exceed two hundred fifty thousand
23 dollars (\$250,000). In no event shall any change or addition to the
24 work exceed a net total addition of twenty-five thousand dollars
25 (\$25,000).

26 (2) For contracts whose original cost exceeds two hundred fifty
27 thousand dollars (\$250,000), the extra cost for any change or
28 addition to the work so ordered shall not exceed twenty-five
29 thousand dollars (\$25,000), plus 5 percent of the amount of the
30 original contract cost in excess of two hundred fifty thousand
31 dollars (\$250,000). In no event shall any change or alteration
32 exceed two hundred ten thousand dollars (\$210,000).

33 (e) By purchasing the material and letting a contract for the
34 work or by letting a contract covering both work and material
35 without advertising for bids when the estimated cost of emergency
36 work necessitated by the imminence or occurrence of a landslide,
37 flood, storm damage, or other emergency exceeds twenty-five
38 thousand dollars (\$25,000) and the public interest and necessity
39 demand immediate action to safeguard life, health, or property.

SEC. 11.5. Section 21669.5 of the Public Utilities Code is amended to read:

21669.5. (a) For purposes of this section, the following terms have the following meanings:

(1) (A) “Avigation easement” means a less-than-fee-title transfer of real property rights from the property owner that may convey to an owner or operator of an airport any or all of the following rights:

(i) A right-of-way for the free and unobstructed passage of aircraft through the airspace over the property at any altitude above a specified surface.

(ii) A right to subject the property to noise, vibration, fumes, dust, and fuel particle emissions associated with normal airport activity.

(iii) A right to prohibit the erection or growth of any structure, tree, or other object that would enter the acquired airspace.

(iv) A right-of-entry onto the property, with proper advance notice, for the purpose of removing, marking, or lighting any structure or other object that enters the acquired airspace.

(v) A right to prohibit electrical interference, glare, misleading lights, visual impairments, and other hazards to aircraft flight from being created on the property.

(B) “Avigation easement” includes an easement obtained pursuant to paragraph (2) of subdivision (a) of Section 21652.

(2) “CNEL” means community noise equivalent level established pursuant to Chapter 6 (commencing with Section 5000) of Division 2.5 of Title 21 of the California Code of Regulations.

(3) “Noise-sensitive land use” means residential uses, including detached single-family dwellings, multifamily dwellings, highrise apartments or condominiums, mobilehomes, public and private educational facilities, hospitals, convalescent homes, churches, synagogues, temples, and other places of worship.

(4) “Noise-sensitive project” means a project involving new construction or reconstruction for a planned noise-sensitive land use within an airport’s 65 decibels CNEL or higher noise contour.

(b) If a political subdivision conditions approval of a noise-sensitive project upon the grant of an avigation easement to the owner or operator of an airport, the avigation easement shall be required to be granted to the owner or operator of the airport prior to the issuance of the building permit that allows construction

1 or reconstruction of the noise-sensitive project. The owner or
2 operator of an airport that is granted an avigation easement as a
3 condition for approval of a noise-sensitive project pursuant to this
4 subdivision shall be entitled to immediately record it upon receipt.

5 (c) An avigation easement granted to the owner or operator of
6 an airport as a condition for approval of a noise-sensitive project
7 shall include a termination clause that operates to terminate the
8 avigation easement if the noise-sensitive project is not built and
9 the permit or any permit extension authorizing construction or
10 reconstruction of the noise-sensitive project has expired or has
11 been revoked.

12 (d) Within 30 days after expiration or revocation of a permit or
13 permit extension that authorized construction or reconstruction of
14 a noise-sensitive project and was conditioned upon the property
15 owner granting an avigation easement to the owner or operator of
16 an airport, the political subdivision that had issued the permit shall
17 notify the owner or operator of the airport of the expiration or
18 revocation of the permit. Within 90 days after receipt of the notice
19 from the political subdivision, the owner or operator of the airport
20 shall record a notice of termination with the county recorder in
21 which the property is located. Proof of filing of the notice of
22 termination shall be provided to the political subdivision by the
23 owner or operator of the airport within 30 days of recordation.

24 (e) Notwithstanding Sections 6103 and 27383 of the Government
25 Code, the owner or operator of an airport shall pay all applicable
26 recording fees prescribed by law for the filing of a notice of
27 termination pursuant to this section.

28 SEC. 12. Section 99243 of the Public Utilities Code is amended
29 to read:

30 99243. (a) The Controller, in cooperation with the department
31 and the operators, shall design and adopt a uniform system of
32 accounts and records, from which the operators shall prepare and
33 submit annual reports of their operation to the transportation
34 planning agencies having jurisdiction over them and to the
35 Controller within 90 days of the end of the fiscal year. If the report
36 is filed in electronic format as prescribed by the Controller, the
37 report shall be furnished within 110 days after the close of each
38 fiscal year. The report shall specify (1) the amount of revenue
39 generated from each source and its application for the prior fiscal
40 year and (2) the data necessary to determine which section, with

1 respect to Sections 99268.1, 99268.2, 99268.3, 99268.4, 99268.5,
2 and 99268.9, the operator is required to be in compliance in order
3 to be eligible for funds under this article.

4 (b) As a supplement to the annual report prepared pursuant to
5 subdivision (a), each operator shall include an estimate of the
6 amount of revenues to be generated from each source and its
7 proposed application for the next fiscal year, and a report on the
8 extent to which it has contracted with the Prison Industry Authority,
9 including the nature and dollar amounts of all contracts entered
10 into during the reporting period and proposed for the next reporting
11 period.

12 (c) The Controller shall instruct the county auditor to withhold
13 payments from the fund to an operator that has not submitted its
14 annual report to the Controller within the time specified by
15 subdivision (a).

16 (d) In establishing the uniform system of accounts and records,
17 the Controller shall include the data required by the United States
18 Department of Transportation and the department.

19 (e) Notwithstanding any other law or any regulation, including
20 any California Code of Regulations provision, the City of El
21 Segundo, the City of Huntington Beach, the City of Inglewood,
22 the City of Long Beach, or the City of South Lake Tahoe may
23 select, for purposes of this chapter, on a one-time basis, a fiscal
24 year that does not end on June 30. After the city has sent a written
25 notice to the Secretary of Business, Transportation and Housing
26 and the Controller that the city has selected a fiscal year other than
27 one ending on June 30, the fiscal year selected by the city shall be
28 its fiscal year for all reports required by the state under this chapter.

29 SEC. 12.5. Part 16 (commencing with Section 36000) of
30 Division 2 of the Revenue and Taxation Code is repealed.

31 SEC. 13. Section 2151 of the Streets and Highways Code is
32 amended to read:

33 2151. On or before the first day of October of each year, the
34 governing body of each county and city shall cause to be made
35 and filed with the Controller a complete report of the expenditures
36 for street or road purposes during the preceding fiscal year ending
37 on the 30th day of June. However, the City of El Segundo, the
38 City of Huntington Beach, the City of Inglewood, the City of Long
39 Beach, or the City of South Lake Tahoe may send, on a one-time
40 basis, a written notice to the Controller that it has selected a fiscal

1 year ending on a date other than June 30, and, in that case, the
2 fiscal year selected by the city shall be its fiscal year for reports
3 under this section.

4 The Controller shall prescribe the form and contents of the report.
5 The report shall show the amount expended for construction by
6 contract, maintenance by contract, construction by day labor, and
7 maintenance by day labor. For construction and maintenance by
8 day labor, the amount shall include the cost of material, labor,
9 equipment, and overhead for work performed thereunder.

10 The board of supervisors of each county shall by appropriate
11 action, at any regular or special meeting, designate either the county
12 road commissioner or the county auditor as the person responsible
13 for making and signing the report required by this section. When
14 the road commissioner is designated to make and sign the report,
15 the county auditor shall certify the report before it is filed with the
16 Controller. When the county auditor is designated to make and
17 sign the report, the road commissioner shall certify the report
18 before it is filed with the Controller. Reports made by each city
19 shall be certified by the city's fiscal officer.

20 SEC. 13.5. Section 22525 of the Streets and Highways Code
21 is amended to read:

22 22525. "Improvement" means one or any combination of the
23 following:

- 24 (a) The installation or planting of landscaping.
- 25 (b) The installation or construction of statuary, fountains, and
26 other ornamental structures and facilities.
- 27 (c) The installation or construction of public lighting facilities,
28 including, but not limited to, traffic signals.
- 29 (d) The installation or construction of any facilities which are
30 appurtenant to any of the foregoing or which are necessary or
31 convenient for the maintenance or servicing thereof, including,
32 but not limited to, grading, clearing, removal of debris, the
33 installation or construction of curbs, gutters, walls, sidewalks, or
34 paving, or water, irrigation, drainage, or electrical facilities.
- 35 (e) The installation of park or recreational improvements,
36 including, but not limited to, all of the following:
 - 37 (1) Land preparation, such as grading, leveling, cutting and
38 filling, sod, landscaping, irrigation systems, sidewalks, and
39 drainage.

1 (2) Lights, playground equipment, play courts, and public
2 restrooms.

3 (f) The maintenance or servicing, or both, of any of the
4 foregoing, and of any improvement authorized by subdivision (i).

5 (g) The acquisition of land for park, recreational, or open-space
6 purposes.

7 (h) The acquisition of any existing improvement otherwise
8 authorized pursuant to this section.

9 (i) The acquisition or construction of any community center,
10 municipal auditorium or hall, or similar public facility for the
11 indoor presentation of performances, shows, stage productions,
12 fairs, conventions, exhibitions, pageants, meetings, parties, or other
13 group events, activities, or functions, whether those events,
14 activities, or functions are public or private.

15 SEC. 14. Section 36522 of the Streets and Highways Code is
16 amended to read:

17 36522. Proceedings to establish a parking and business
18 improvement area shall be instituted by the adoption by the city
19 council of a resolution of intention to establish the area. The
20 resolution of intention shall do all of the following:

21 (a) State that a parking and business improvement area is
22 proposed to be established pursuant to this chapter and describe
23 the boundaries of the territory proposed to be included in the area
24 and the boundaries of each separate benefit zone to be established
25 within the area. The boundaries of the area may be described by
26 reference to a map on file in the office of the clerk, showing the
27 proposed area.

28 (b) State the name of the proposed area.

29 (c) State the type or types of improvements and activities
30 proposed to be funded by the levy of assessments on businesses
31 in the area. The resolution of intention shall specify any
32 improvements to be acquired.

33 (d) State that, except where funds are otherwise available, an
34 assessment will be levied annually to pay for all improvements
35 and activities within the area.

36 (e) State the proposed method and basis of levying the
37 assessment in sufficient detail to allow each business owner to
38 estimate the amount of the assessment to be levied against his or
39 her business.

1 (f) State whether new businesses will be exempt from the levy
2 of the assessment, pursuant to Section 36531.

3 (g) Fix a time and place for a public hearing on the establishment
4 of the parking and business improvement area and the levy of
5 assessments, which shall be consistent with the requirements of
6 Section 54954.6 of the Government Code.

7 (h) State that at the hearing the testimony of all interested
8 persons for or against the establishment of the area, the extent of
9 the area, or the furnishing of specified types of improvements or
10 activities will be heard.

11 (i) Describe, in summary, the effect of protests made by business
12 owners against the establishment of the area, the extent of the area,
13 and the furnishing of a specified type of improvement or activity,
14 as provided in Section 36524.

15 SEC. 15. Section 36608 of the Streets and Highways Code is
16 amended to read:

17 36608. "City" means a city, county, city and county, or an
18 agency or entity created pursuant to Article 1 (commencing with
19 Section 6500) of Chapter 5 of Division 7 of Title 1 of the
20 Government Code, the public member agencies of which includes
21 only cities, counties, or a city and county, or the State of California.

22 SEC. 16. Section 36615 of the Streets and Highways Code is
23 amended to read:

24 36615. "Property owner" means any person shown as the owner
25 of land on the last equalized assessment roll or otherwise known
26 to be the owner of land by the city council. "Business owner"
27 means any person recognized by the city as the owner of the
28 business. "Owner" means either a business owner or a property
29 owner. The city council has no obligation to obtain other
30 information as to the ownership of land or businesses, and its
31 determination of ownership shall be final and conclusive for the
32 purposes of this part. Wherever this part requires the signature of
33 the property owner, the signature of the authorized agent of the
34 property owner shall be sufficient. Wherever this part requires the
35 signature of the business owner, the signature of the authorized
36 agent of the business owner shall be sufficient.

37 SEC. 17. Section 36622 of the Streets and Highways Code is
38 amended to read:

39 36622. The management district plan shall contain all of the
40 following:

1 (a) If the assessment will be levied on property, a map of the
2 district in sufficient detail to locate each parcel of property and, if
3 businesses are to be assessed, each business within the district. If
4 the assessment will be levied on businesses, a map that identifies
5 the district boundaries in sufficient detail to allow a business owner
6 to reasonably determine whether a business is located within the
7 district boundaries. If the assessment will be levied on property
8 and businesses, a map of the district in sufficient detail to locate
9 each parcel of property and to allow a business owner to reasonably
10 determine whether a business is located within the district
11 boundaries.

12 (b) The name of the proposed district.

13 (c) A description of the boundaries of the district, including the
14 boundaries of benefit zones, proposed for establishment or
15 extension in a manner sufficient to identify the affected lands and
16 businesses included. The boundaries of a proposed property
17 assessment district shall not overlap with the boundaries of another
18 existing property assessment district created pursuant to this part.
19 This part does not prohibit the boundaries of a district created
20 pursuant to this part to overlap with other assessment districts
21 established pursuant to other provisions of law, including, but not
22 limited to, the Parking and Business Improvement Area Law of
23 1989 (Part 6 (commencing with Section 36500)). This part does
24 not prohibit the boundaries of a business assessment district created
25 pursuant to this part to overlap with another business assessment
26 district created pursuant to this part. This part does not prohibit
27 the boundaries of a business assessment district created pursuant
28 to this part to overlap with a property assessment district created
29 pursuant to this part.

30 (d) The improvements and activities proposed for each year of
31 operation of the district and the maximum cost thereof.

32 (e) The total annual amount proposed to be expended for
33 improvements, maintenance and operations, and debt service in
34 each year of operation of the district.

35 (f) The proposed source or sources of financing, including the
36 proposed method and basis of levying the assessment in sufficient
37 detail to allow each property or business owner to calculate the
38 amount of the assessment to be levied against his or her property
39 or business. The plan also shall state whether bonds will be issued
40 to finance improvements.

1 (g) The time and manner of collecting the assessments.

2 (h) The specific number of years in which assessments will be
3 levied. In a new district, the maximum number of years shall be
4 five. Upon renewal, a district shall have a term not to exceed 10
5 years. Notwithstanding these limitations, a district created pursuant
6 to this part to finance capital improvements with bonds may levy
7 assessments until the maximum maturity of the bonds. The
8 management district plan may set forth specific increases in
9 assessments for each year of operation of the district.

10 (i) The proposed time for implementation and completion of
11 the management district plan.

12 (j) Any proposed rules and regulations to be applicable to the
13 district.

14 (k) A list of the properties or businesses to be assessed, including
15 the assessor's parcel numbers for properties to be assessed, and a
16 statement of the method or methods by which the expenses of a
17 district will be imposed upon benefited real property or businesses,
18 in proportion to the benefit received by the property or business,
19 to defray the cost thereof, including operation and maintenance.
20 The plan may provide that all or any class or category of real
21 property which is exempt by law from real property taxation may
22 nevertheless be included within the boundaries of the district but
23 shall not be subject to assessment on real property.

24 (l) Any other item or matter required to be incorporated therein
25 by the city council.

26 SEC. 18. Section 36623 of the Streets and Highways Code is
27 amended to read:

28 36623. (a) If a city council proposes to levy a new or increased
29 property assessment, the notice and protest and hearing procedure
30 shall comply with Section 53753 of the Government Code.

31 (b) If a city council proposes to levy a new or increased business
32 assessment, the notice and protest and hearing procedure shall
33 comply with Section 54954.6 of the Government Code, except
34 that notice shall be mailed to the owners of the businesses proposed
35 to be assessed. A protest may be made orally or in writing by any
36 interested person. Every written protest shall be filed with the clerk
37 at or before the time fixed for the public hearing. The city council
38 may waive any irregularity in the form or content of any written
39 protest. A written protest may be withdrawn in writing at any time
40 before the conclusion of the public hearing. Each written protest

1 shall contain a description of the business in which the person
2 subscribing the protest is interested sufficient to identify the
3 business and, if a person subscribing is not shown on the official
4 records of the city as the owner of the business, the protest shall
5 contain or be accompanied by written evidence that the person
6 subscribing is the owner of the business or the authorized
7 representative. A written protest that does not comply with this
8 section shall not be counted in determining a majority protest. If
9 written protests are received from the owners or authorized
10 representatives of businesses in the proposed district that will pay
11 50 percent or more of the assessments proposed to be levied and
12 protests are not withdrawn so as to reduce the protests to less than
13 50 percent, no further proceedings to levy the proposed assessment
14 against such businesses, as contained in the resolution of intention,
15 shall be taken for a period of one year from the date of the finding
16 of a majority protest by the city council.

17 SEC. 19. Section 36625 of the Streets and Highways Code is
18 amended to read:

19 36625. (a) If the city council, following the public hearing,
20 decides to establish the proposed property and business
21 improvement district, the city council shall adopt a resolution of
22 formation that shall contain all of the following:

23 (1) A brief description of the proposed activities and
24 improvements, the amount of the proposed assessment, a statement
25 as to whether the assessment will be levied on property, businesses,
26 or both within the district, a statement about whether bonds will
27 be issued, and a description of the exterior boundaries of the
28 proposed district. The descriptions and statements do not need to
29 be detailed and shall be sufficient if they enable an owner to
30 generally identify the nature and extent of the improvements and
31 activities and the location and extent of the proposed district.

32 (2) The number, date of adoption, and title of the resolution of
33 intention.

34 (3) The time and place where the public hearing was held
35 concerning the establishment of the district.

36 (4) A determination regarding any protests received. The city
37 shall not establish the district or levy assessments if a majority
38 protest was received.

1 (5) A statement that the properties, businesses, or properties
2 and businesses in the district established by the resolution shall be
3 subject to any amendments to this part.

4 (6) A statement that the improvements and activities to be
5 provided in the district will be funded by the levy of the
6 assessments. The revenue from the levy of assessments within a
7 district shall not be used to provide improvements or activities
8 outside the district or for any purpose other than the purposes
9 specified in the resolution of intention, as modified by the city
10 council at the hearing concerning establishment of the district.

11 (7) A finding that the property or businesses within the area of
12 the property and business improvement district will be benefited
13 by the improvements and activities funded by the assessments
14 proposed to be levied.

15 (b) The adoption of the resolution of formation and, if required,
16 recordation of the notice and map pursuant to Section 36627 shall
17 constitute the levy of an assessment in each of the fiscal years
18 referred to in the management district plan.

19 SEC. 20. Section 36627 of the Streets and Highways Code is
20 amended to read:

21 36627. Following adoption of the resolution establishing district
22 assessments on properties pursuant to Section 36625 or Section
23 36626, the clerk of the city shall record a notice and an assessment
24 diagram pursuant to Section 3114. No other provision of Division
25 4.5 (commencing with Section 3100) applies to an assessment
26 district created pursuant to this part.

27 SEC. 21. Section 36631 of the Streets and Highways Code is
28 amended to read:

29 36631. The collection of the assessments levied pursuant to
30 this part shall be made at the time and in the manner set forth by
31 the city council in the resolution levying the assessment.
32 Assessments levied on real property may be collected at the same
33 time and in the same manner as for the ad valorem property tax,
34 and may provide for the same lien priority and penalties for
35 delinquent payment. All delinquent payments for assessments
36 levied pursuant to this part shall be charged interest and penalties.

37 SEC. 22. Section 36670 of the Streets and Highways Code is
38 amended to read:

39 36670. (a) Any district established or extended pursuant to
40 the provisions of this part, where there is no indebtedness,

1 outstanding and unpaid, incurred to accomplish any of the purposes
2 of the district, may be disestablished by resolution by the city
3 council in either of the following circumstances:

4 (1) If the city council finds there has been misappropriation of
5 funds, malfeasance, or a violation of law in connection with the
6 management of the district, it shall notice a hearing on
7 disestablishment.

8 (2) During the operation of the district, there shall be a 30-day
9 period each year in which assesseees may request disestablishment
10 of the district. The first such period shall begin one year after the
11 date of establishment of the district and shall continue for 30 days.
12 The next such 30-day period shall begin two years after the date
13 of the establishment of the district. Each successive year of
14 operation of the district shall have such a 30-day period. Upon the
15 written petition of the owners or authorized representatives of real
16 property or the owners or authorized representatives of businesses
17 in the area who pay 50 percent or more of the assessments levied,
18 the city council shall pass a resolution of intention to disestablish
19 the district. The city council shall notice a hearing on
20 disestablishment.

21 (b) The city council shall adopt a resolution of intention to
22 disestablish the district prior to the public hearing required by this
23 section. The resolution shall state the reason for the
24 disestablishment, shall state the time and place of the public
25 hearing, and shall contain a proposal to dispose of any assets
26 acquired with the revenues of the assessments levied within the
27 property and business improvement district. The notice of the
28 hearing on disestablishment required by this section shall be given
29 by mail to the property owner of each parcel or to the owner of
30 each business subject to assessment in the district, as appropriate.
31 The city shall conduct the public hearing not less than 30 days
32 after mailing the notice to the property or business owners. The
33 public hearing shall be held not more than 60 days after the
34 adoption of the resolution of intention.

35 SEC. 23. The Legislature finds and declares that a special law
36 is necessary and that a general law cannot be made applicable
37 within the meaning of Section 16 of Article IV of the California
38 Constitution because of the unique circumstances of the fiscal

- 1 years used by the City of El Segundo, the City of Inglewood, and
- 2 the City of Long Beach.

O